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ABSTRACT

The manual contains policies and procedures assuring all Oklahoma handicapped children the right to a free, appropriate public education. The manual establishes minimum standards for program approval, minimum standards for the determination of pupil eligibility, and considerations which will lead to appropriate programming within the least restrictive environment. Policies and procedures are presented for child identification, parental involvement, category definitions, class size, least restrictive environment, diplomas and grading, discipline, teacher certification and salary, confidentiality, special education service delivery, evaluation, eligibility, individualized education programs, related services, surrogate parents, transportation, early childhood education, complaints, due process hearings, funding, program monitoring, and personnel development. Also included are descriptions of Project ECHO for preschool deaf/hard-of-hearing students and services provided by the Regional Education Service Centers. A section on selected Oklahoma laws relating to special education concludes the manual. (JDD)

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Policies And Procedures Manual

FOR SPECIAL EDUCATION IN OKLAHOMA

Oklahoma State Department of Education
John M. Folks, State Superintendent of Public Instruction

1988

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I. INTRODUCTION

The policies and procedures contained in this document assure *all* handicapped children residing in Oklahoma the right of access to a "free, appropriate public education" as mandated by Public Law 94-142. Each agency responsible for a handicapped child's individualized education program will abide by these regulations based on state and federal law. Agencies having this responsibility are: local public school districts, state supported institutions, private schools (which are accredited according to state standards) and hospital schools. Other programs that may be developed to meet the child's educational needs will come under the jurisdiction of one of the above agencies.

This manual is a support document to the State Plan for Special Education. Its purpose is threefold:

1. To establish minimum standards for program approval.

2. To establish minimum standards for the determination of pupil eligibility.

3. To establish considerations which will lead to appropriate programming within the least restrictive environment.

It is important to note that minimum, not optimum, standards are being addressed. A school district (or agency) may establish criteria exceeding standards. However, at no time may a school district or agency establish criteria less than the minimum standards.

II. ADMINISTRATIVE RESPONSIBILITY

A. State

The Special Education Section was created by the State Board of Education to provide leadership in establishing and expanding services for handicapped children throughout the state. It must ensure the observance of regulations of laws relative to special education so that appropriated funds will serve their intended purpose. Educational programs for handicapped children administered within the state must meet education standards of the state, as well as applicable federal requirements. Responsible public agencies in Oklahoma must be informed of these state and federal requirements and successful special education practices through ongoing efforts of the State Department of Education.

The services of the Special Education Section include: (1) providing overall leadership and direction as outlined in the Oklahoma State Plan for Special Education; (2) monitoring for compliance, and evaluating for effectiveness of special education programs; (3) allocating special education funds; (4) promoting inservice training for special service providers and parents; (5) collecting and reporting information; (6) processing complaints and requests for due process hearings; and (7) providing consultation.

B. Local Education Agencies

1. Each local education agency must submit to the State Department of Education a district plan containing specific assurances of how all eligible handicapped children in the district will have access to "free, appropriate public education." This plan must follow the state plan, state and federal laws and regulations, and be subject to approval of the Special Education Section of the State Department of Education.

2. The local education agency is responsible for all exceptional children who are legal residents of the district. Independent school districts are responsible for ages 0-21. Dependent schools have the responsibility for ages 0 through the grade level of the school. (Example: school has classes to sixth, seventh, or eighth grade.) Upon leaving the dependent school, the responsibility for the educational program for a handicapped student is assumed by the independent district receiving the child (the same as nonhandicapped student) if the dependent school is in the independent school's transportation area. If the child is transferred outside the transportation area, the dependent school retains responsibility for special services.

3. A local education agency may fulfill these responsibilities by:

   a. District directly providing special education for such children;

   b. District joining in a cooperative program with another district or districts to provide special education for such children;

   c. District joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind or partially blind; or

   d. Transferring certified exceptional children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition therefore as hereinafter provided. (70-13-101)

4. Given the department of education philosophy that special education is an integral part of regular education, all service delivery systems must offer the following possible placements ranging from the least restrictive (maximum opportunity for contact with nonhandicapped children) to the most restrictive (least contact with nonhandicapped children).

   a. Regular classes

   b. Special classes

      (1) Resource lab

      (2) Self-contained

   c. Special separate schools

   d. Home instruction

   e. Institutions/hospitals

5. Each district must make an annual comprehensive survey to determine the number and type of children who (as district residents) are in need of special services. The survey must also include children not enrolled in school. Records and documentation must be maintained showing methods used in the survey. Such methods could include: newspaper articles, radio or television spot announcements, brochures, and other printed information distributed throughout the district, school personnel at meetings (such as civic clubs, etc.)

6. Assurances are made that all handicapped children will be served in facilities comparable to those facilities for nonhandicapped children and that all handicapped children be educated with nonhandicapped children to the maximum extent appropriate.

   Local school systems are encouraged to develop their programs around the needs of children and not force students into inflexible programs. While emphasizing the philosophy of "Least Restrictive Environment," the reality of the special needs of handicapped children must be considered when designing their educational program. Each placement recommendation should emphasize opportunity for development with minimum failure.

7. Each public agency shall establish and document procedures for determining program effectiveness to be completed at least annually.

8. Each handicapped child must be afforded the opportunity to participate in the regular physical education program available to nonhandicapped children, unless the child needs specially designed physical education as prescribed in the child's individualized education program or is enrolled full-time in a separate facility.

9. On December 1 of each year, each district shall conduct a child count and report the data to the Special Education Section through a regional education service center . This count must be unduplicated and documentation must be obtained that ensures the following children are *not* counted:

   a. Handicapped children who have been evaluated by a public agency but are not receiving special education or related services on December 1, as required by (34 CFR 300.751).

   b. Handicapped children who are not enrolled in a school or program operated or supported by a public agency as required by (34 CFR 300.753).

   c. Handicapped children who are not provided special education and related services that meet state standards as required by (34 CFR 300.753).

   d. Handicapped children who are receiving special education funded solely by the federal government. (This category of children could include Indian children residing on or near reservations and handicapped children residing on military facilities, unless the public agency provides special education and related services to such children.

10. It is the responsibility of the local education agency to see that all necessary forms are *completed* and *signed*.

11. Each local education agency must maintain a master list of all handicapped children and youth ages 0-21 who are residents of their district. The list should include the child's name, age, and disability. The child's present educational placement should be noted, i.e., local program, transferred, state school, private school, etc.

III. ORGANIZATION OF SPECIAL EDUCATION PROGRAMS

A. Child Identification/Awareness

The determination of the need of special education and related service shall be determined by the following procedures as assured in the local district plan.

1. Documentation of Public Awareness

   a. Each district shall maintain an active awareness process in collaboration with parents, health, and social service agencies to inform the public about state and federal programs for handicapped persons in *each of the respective agencies*.

      The communication and dissemination process shall be conducted in a systematic manner to emphasize awareness of handicapping causes, conditions, and procedures for *access* to services to identify eligible handicapped persons from 0-21 years of age.

      The process shall include *two* or more of the following activities:

      (1) Ongoing advertisements, news releases, and feature articles in newspapers and agency newsletters.

      (2) Monthly advertisements, news releases, spot announcements, interviews on radio or television, and/or public forum.

      (3) Maintained placement of posters, and referral post cards placed in public places or mailings, e.g., doctors' offices, utility bills, church bulletins, community stores, and libraries.

2. Documentation of Screening and Implemented Comprehensive Evaluation Procedures

   a. Each district shall maintain a comprehensive multi-agency procedure for formal *observation*, interviews, and *routine interventions* that clarify the nature of the handicapping condition suspected for in-school and out-of-school persons 0-21 years of age.

   b. Each district shall have a procedure for referral and comprehensive evaluation of persons with observed, substantiated, or screened handicapping conditions.

   c. Local agencies who serve handicapped persons shall address new requirements for coordination of public agencies responsibilities to assure supplemental and nonsupplanting usage of funds in accordance with the Education of the Handicapped Act, Amendments of 1986, Title II, Section 203. The joint agency process will help delineate financial responsibility, encourage team effort, avoid supplanting, and increase the accuracy of diagnosis and effectiveness of intervention.

B. Parental Involvement

Parental involvement is an important part of the Education of the Handicapped Act. A parent, guardian, or person acting as a parent of a child shall be involved in the designing of the educational program for a handicapped child. Appropriate district staff and this person will work together in a team setting throughout the referral, evaluation, and program planning stages. The parent must:

1. Give prior *written* permission for individual evaluation.

2. Receive a list of their rights.

3. Have the evaluation results explained to them and see a copy of the evaluation(s). They may request and receive a copy of all educational evaluations and records of the child at minimum cost.

4. Give *written* permission for the child to be placed in a category determined by the eligibility team.

5. Give prior *written* permission for the total reevaluation of each handicapped child at least every three years, or more often if needed.

6. Give *written* permission for initial placement of the child in the special education program determined most appropriate by the categorical eligibility team.

7. Be afforded the opportunity to participate in the development of the Individualized Education Program and its annual review. Attempts used by each public agency to include parents in meetings for their handicapped child must be in accordance with (34 CFR 300.345) as follows:

   a. Notify parents of the meeting early enough to ensure that they will have an opportunity to attend; and

   b. Schedule the meeting at a mutually agreed upon time and place. The notice used by each public agency to inform parents of these meetings must indicate the purpose, time, location, and who will be in attendance.

   c. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

   d. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a *record* of its attempts to arrange a mutually agreed upon time and place. This shall include:

      (1) Detailed records of telephone calls made or attempted and the results of these calls.

      (2) Copies of correspondence sent to the parents and any responses received; and

      (3) Detailed records of visits made to the parents' home or place of employment and the results of those visits.

   e. The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is not English.

   f. The public agency shall give the parent, on request, a copy of the Individualized Education Program.

8. Be given *written* notice a reasonable time before the public agency:

a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child; or

b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free, appropriate public education to the child.

c. The written notice must include:

(1) A full explanation of all the procedural safeguards available to the parents under Subpart E of federal regulations;

(2) A description of the action proposed or refused by the agency, an explanation of why the agency proposed or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

(3) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal;

(4) A description of any other factors which are relevant to the agency's proposal or refusal;

(5) Language understood by the general public;

(6) The native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so;

(7) Steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication if the native language or other mode of communication of the parent is not a written language;

(8) Steps to ensure that the parent understands the content of the notice; and

(9) Written evidence that the requirements of (7) and (8) above have been met.

C. Category Definitions, State Regulations and Class Size

Definitions of "handicapped children."* The terms used are defined as:

1. "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

2. "Deaf-Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

* (34 CFR 300.5)

3. "Hard-of-Hearing" means a hearing impairment, whether permanent of fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

4. "Mentally Retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

5. "Multihandicapped" means concomitant major impairments (such as mentally retarded--blind, mentally retarded--orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

6. "Orthopedically Impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

7. "Other Health Impaired" means having an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

8. "Seriously Emotionally Disturbed" is defined as follows:

   a. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

      (1) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

      (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

      (3) Inappropriate types of behavior or feelings under normal circumstances;

      (4) A tendency to develop physical symptoms or fears associated with personal or school problems.

   b. The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

9. "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the

result of visual, hearing, or motor handicaps, of mental retardation, emotional disturbance, or of environmental, cultural or economic disadvantage.

10. "Speech or Language Impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

11. "Visually Handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

12. "Visiting Counselor" means a liaison person between the home, school, and community agencies. The counselor must hold a valid Oklahoma Visiting Counselor's Certificate. It is recommended that minimum case loads for program approval are as follows: Full-time program 250 and part-time in proportion.

D. General Information

1. Self-Contained or Separate Class Programs Defined

Self-contained programs serve handicapped students who require basic academic instruction by special education teachers. The majority of the students in a self-contained class must not be out of the special class more than two school periods a day for activities such as: physical education, music, art, etc.

2. Laboratory, Resource Room or Itinerant Teacher Programs Defined

These programs are for students exhibiting mild handicaps who need special education services, but the majority of which can function successfully in three or more regular classes. The majority of these students cannot be in a special education class more than three school periods per day. The language lab may serve ten students per hour. These numbers will be considered as a portion of the speech language pathologist case load. Time spent within the special program will be determined by individual need. Teacher case loads for educable mentally handicapped, emotionally disturbed, and learning disability laboratory, resource room, or itinerant teacher programs must not exceed 25 different students. Teachers of these classes are not to have more than ten students in their rooms at any one time.

3. Home-Based Programs

The Home-Based Special Education Program permits instruction for the identified handicapped child outside the school setting. This child must be of legal school attendance age and unable to participate in a school-based program due to his/her handicapping condition. The instruction must be provided by a special education teacher certified in the child's handicapping category. This program will be considered as an extension of the district's special education program and the district will assume responsibility for its funding. The individualized education program must specify the amount of instructional time to be provided with all other sections of the individualized education program complete. The attendance for said child shall be entered in the appropriate register by the local school. This child shall be counted for full average daily attendance for state aid, providing established procedures have been followed in (1) evaluation, (2) eligibility determination, and (3) development and implementation of an appropriate Individualized Education Program.

4. Indirect Services

If handicapped children can best be served by placement in regular classes with an Individualized Education Program, there must be a certified special education person responsible for the child's education. This teacher must be certified in the category of the child's disability.) This person will not teach the child, but will be involved with teacher conferences, parent conferences, writing the Individualized Education Program and furnishing special materials as needed for the child's program. The special education teacher assigned full-time as an indirect service provider shall have a reasonable active case load of no more than 40 different students. *Less than full-time shall be prorated*; example; a teacher with two hours released time could serve 14 students (approximately 2/6 of 40) on a consultative basis. A full-time self-contained or lab teacher with a maximum class load cannot act as a consultant for mainstreamed students.

5. Private Schools

A local board of education may contract with a state board-accredited, nonprofit, nonsectarian, private school to provide specified special education services and instruction to eligible "exceptional children."

6. High School Special Education

a. Units required for graduation

Twenty (20) units are required for graduation. Fourteen of the 20 units required shall be earned in the 10th, 11th, and 12th grades. Six units may be earned in the 9th grade.

Local Individualized Education Program teams may, for individual students, use the following modified course names to allow *realistic programming* for handicapped youth:

(1) Communication Skills--4 units

(2) Social studies--2 units (This fulfills the requirement for American History--1 unit and Oklahoma History--½ unit and World History--½ unit.)

(3) Science--2 units (One unit must be a laboratory science.)

(4) Computation Skills--2 units

Ten units of the required 20 units shall be chosen from the following:

(1) Co-op Training (work experience or on-the-job training) (Maximum 3 units per school year)

(2) Vocational and Technical Education (Maximum 3 units per school year)

(3) Home Training

(4) Vocations

(5) Physical Education

(6) Arts and Crafts

(7) Music

(8) Industrial Arts courses

(9) Others as appropriate

Other Special Vocational Education

In addition to regular vocational-technical programs, Individualized Education Program teams may select from the special programs listed below. Such programs are available for freshmen, sophomores, juniors, and seniors. The students must be properly identified and have an individualized education program on file indicating enrollment in these programs. If vocational education is to be a part of the student's individualized education program, a representative of vocational education should be on the individualized education program team, and the instructor of the vocational program should have access to a copy of the individualized education program when the handicapped student enters the vocational program. The special programs are designed for students with special problems only, for freshmen, sophomores, juniors, and seniors.

Course	Year(s)	Semester(s)	Unit(s)
Building Maintenance Training	9, 10, 11 or 12	2	3
Introduction to Vocational Careers	9, 10, 11 or 12	2	3
Home, Business and Industrial Services	10, 11 or 12	2	3
Occupational Services	9, 10, 11 or 12	2	3

Students in the trade and industrial day-trade programs shall not receive compensation for work on live projects unless they have been formally assigned to a contractor, shop owner, etc., in their senior year (second semester) for on-the-job training. They must report to their trade and industrial class for theory. The trade and industrial day-trade teacher will regularly supervise assigned students on their jobs. These assignments will be coordinated by the teacher, the local administrator, and the state supervisor of trade and industrial education.

b. Transition

Transition is defined as a planned program to span the gap from high school to the world of work. Critical characteristics of an appropriate secondary program include (a) functional curriculum, (b) least restrictive environment, and (c) community-based service delivery.

Special education curriculum in a senior high school may include transition programming through the following methods:

(1) Self-contained and/or lab program following state guidelines. The program will be developed according to individual student's needs as to the amount of time "mainstreamed." This type of program may offer vocational-technical services for half of the day.

(2) Cooperative work/study program, an agreement between the school district, the Rehabilitation Services Division of the Department of Human Services and the State Department of Education. Each participating school district will have a special education teacher and a vocational rehabilitation counselor assigned to the program to provide the coordinated services of both agencies. The teacher spends a portion of the school day in securing jobs for the students, supervising students on the job and making home visits. The students in this program can earn three cooperative training units per school year. This can be a good method of providing an appropriate transition program between school and the community.

Not all students enrolled in this program will necessarily be on a work schedule.

The teacher/coordinator may supervise 25 students in the field-work part of the program. These students may or may not be the same students carried on the coordinator's academic class roll.

(3) A school work/study conducted by the teacher without the signed cooperative agreement between the school and state agencies mentioned in No. 2 above. The teacher will still secure jobs, supervise job placement and make home visits. Vocational rehabilitation services will be available upon request.

c. Local Education Agency Collaborative Efforts Required Through Other Agency Law/Policy

(1) Carl D. Perkins Vocational Education Act (Public Law 98-524)

Section 204 of part A sets forth criteria for services and activities for serving handicapped individuals. It states, "The State Board of Vocational Education shall provide assurances that:

(a) Equal access will be provided to handicapped individuals in recruitment, enrollment, and placement activities;

(b) Equal access will be provided to handicapped individuals to the full range of vocational programs (available to all others), including occupationally specific courses of study, cooperative education, and apprenticeship programs; and

(c) Vocational education programs and activities for handicapped individuals will be provided in the least restrictive environment in accordance with section 512 (5) (B) of the Education of the Handicapped Act and will, whenever appropriate, be included as a component of the Individualized Education Program."

In addition, each local education agency "shall provide information to the handicapped students and parents of such students concerning the opportunities available in vocational education *at least one year* before the students enter the grade level in which vocational education programs are generally first available, but in no event later than the beginning of the *ninth grade*, together with the requirements for eligibility for enrollment in such vocational education programs."

Section 204 continues, "each handicapped student who *enrolls* in vocational education programs shall receive:

(a) Assessment of interests, abilities and special needs of such students with respect to completing successfully the vocational education program;

(b) Special services, including adaptation of curriculum, instruction, equipment, and facilities, designed to meet the needs identified above (item No. 1);

(c) Guidance, counseling, and career development activities conducted by professionally trained counselors who are associated with the provision of such special services; and

(d) Counseling services designed to facilitate the transition from school to post-school employment and career opportunities."

(2) The Rehabilitation Act of 1973 (Public Law 93-112) and amendments

(a) The procedure for the designing and delivery of special education services should include a *vocational rehabilitation counselor* and others appropriate for the transitional planning of the Individualized Education Program and Individualized Written Rehabilitation Plan.

(b) This meeting should be held during the junior or senior year and certainly no later than the first semester of the senior year.

(c) It is the responsibility of the local school district to refer the handicapped student(s) to the area vocational rehabilitation counselor. The regional education service centers and the county department of human services have a list of vocational rehabilitation counselors in Oklahoma. The vocational rehabilitation counselor will determine eligibility for services from vocational rehabilitation.

(d) It may not be possible for the vocational rehabilitation counselors to attend all formal Individualized Education Program meetings, but they will make themselves available to the schools in their respective areas for the purpose of collaborating in this transitional planning for the services needed in the Individualized Education Program/Individualized Written Rehabilitation Plan. These services should be designed to facilitate the transition from school to post-school employment and career opportunities.

(3) Service Delineation as Outlined in the Oklahoma Interagency Cooperative Agreement

Age ranges and grade levels will vary depending on the level of need or severity of handicap. The following service profile chart for occupational preparation includes minimal instructional components, age ranges, levels, and agency responsibility:

INSTRUCTIONAL COMPONENTS	AGE RANGE	GRADE LEVEL	RESPONSIBLE PROGRAM
Personal Adjustment (daily living skills)	11, 12, 13	6th, 7th, 8th	Special Education (with consideration by vocational rehabilitation)
Prevocational Evaluation and Education	11, 12, 13	6th, 7th, 8th	General Education Special Education (with consideration by vocational education and vocational rehabilitation)
Vocational Training	14 and above 14-21 16 and above[1]	9th-12th 9th-12th 9th-12th	Vocational Education Special Education Vocational Rehabilitation
Job Placement and Follow-up	16 and above Program completers 16-21		Vocational Rehabilitation Vocational Education Special Education
Adult Training[2]			Vocational Rehabilitation Vocational Education

7. Modified Programs

Since the basic concept of special education is an appropriate education for individual handicapped children, there may be exceptions to the above regulations. For permission to adjust a program to fit the needs of handicapped students within the school district, the school must obtain a letter of approval from the administrator of the Special Education Section of the Oklahoma State Department of Education. Copies of this letter are to be on file with the local district, the department, and will cover only the current school year.

(a) Mixed Categories

Although special education students are served in programs designed for their handicapping category, children with different handicapping categories may be served in the same classroom when determined to be appropriate by the Individualized Education Program team.

To implement this, two conditions must be met:

(1) The special education teacher responsible for implementation of the IEP must have certification in the category of each child's handicapping condition;

[1] Eligibility for traditional vocational rehabilitation services is not based solely on age. However, Agency policy states that clients should reach employment age by completion of the individualized written rehabilitation plan.

[2] Dropouts are included in the adult training program.

(2) Modified program permission must be obtained.

(b) Class Size Adjustments

Modified program permission may be requested for an adjustment in Oklahoma State Board of Education approved class size(s) for handicapped children for emergency situations.

(c) Departmentalization

A school district may departmentalize special education instruction if needed to ensure appropriate programming. A written request for departmentalization shall be submitted before implementation. In such requests, a list of teachers and the areas of certification, handicapping categories of students, numbers of individualized education programs per teacher, and school site shall be included. A teacher is to have no more than 10 students per class hour, and responsibility for no more than 25 Individualized Education Programs.

NOTE: A school district must ensure that each program meets the individual needs as outlined in the Individualized Education Program.

8. Ages of Children

Minimum Age--Programs for exceptional children must be available beginning at age four. However, for certain eligible students there is no minimum age, i.e., severely handicapped children are to be provided special education services beginning at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age. These may be: deaf and hard-of-hearing, visually handicapped, low incidence multiple-handicapped children, i.e., deaf-blind; retarded-cerebral palsied; autistic, and other children failing to thrive from birth.

Maximum Age--Each eligible exceptional child has a right to 12 years of public schooling beginning at age 6 (as provided by state regulations for entrance to first grade) and terminating upon completion of a secondary program and awarding of a diploma. However, additional service through age 21 is required if the student has not completed a secondary program and graduated.

Oklahoma School Law (70-5-132) states that any person over the age of 21 and under the age of 26 who has not completed the 12th grade, shall be given educational privileges if he/she was unable to attend school because of *military service* or *physical disability*. This extended time to age 26 years, is for the exact number of days he/she missed because of military service or physical disability.

9. Length of School Day

A school day for children enrolled in special education is determined by the needs of the child. Most exceptional students will attend school the same length of time as nonhandicapped students. However, when a child is unable to attend school on a full-time basis, the length of his/her school day may be determined by the Individualized Education Program/Placement team. The child shall be counted for full average daily attendance for state aid.

10. **Textbook Funding**

    Textbook funding allotments include all the children in a school district. If the textbook list does not contain appropriate material for the handicapped children, application may be made to the Textbook Section of the State Department of Education for permission to spend the money generated by these children on appropriate materials not on the textbook list. (H.B. 1140, Section 13) No funds shall be provided for students attending special education classes less than two hours per day. Those attending two hours or more per day, but less than four hours, shall receive a one-half allocation. Those attending special education classes for four or more hours per day shall receive full allocation.

E. Least Restrictive Environment

Each public agency shall ensure that:

1. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped; and

2. Special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

3. A continuum of alternative placements is available to meet the needs of handicapped children for special education and related services. The continuum available for consideration will include:

    a. Regular classroom with special consultation to the regular teacher provided by a certified special education teacher;

    b. Regular classroom supplemented by the services of an itinerant teacher;

    c. Regular classroom supplemented by the services of a resource room teacher;

    d. Part-time special education (i.e., services for students who spend most of their time in special classes, but participate with nonhandicapped students in some activities);

    e. Full-time special education (i.e., self-contained special classes);

    f. Special day schools;

    g. Home-based instruction;

    h. Residential schools; or

    i. Hospital school programs.

4. Each handicapped child's educational placement is: determined at least annually, based on his or her individualized education program, and is close as possible to the child's home.

5. The various alternative placements included in No. 3 above are available to the extent necessary to implement the individualized education program for each handicapped child.

6. Unless a handicapped child's individualized education program requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped;

7. In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs; and

8. In providing or arranging for provision of nonacademic and extracurricular services and activities, each handicapped child participates with nonhandicapped children in those services and activities to the maximum extent appropriate to the needs of that child.

The central concept underlying the least restrictive environment mandate is this: the handicapped student must be placed in the least segregated environment in which an appropriate educational program can still be delivered. The handicapped child's educational environment should not deviate from that made available to nonhandicapped children *except to the extent* that the *individual* educational needs of the child dictate the change. This requires a determination by the placement team of what the maximal level of integration can be for each handicapped child, individually, in view of his or her handicapping condition. As stated in the comment to (34 CFR 300.552), "the overriding rule in this section is that placement decisions must be made on an individual basis."

The least restrictive environment mandate requires a continuum of alternative placements for consideration. As depicted under No. 3 of this part, placement of a handicapped child in the regular classroom on a full-time basis is but one point along the continuum. Thus, least restrictive environment is *not* synonymous with full-time regular classroom instruction (sometimes referred to as "mainstreaming").

Documentation of Least Restrictive Environment

Prior to placement a determination must be made by the placement team regarding the maximal level of integration appropriate for the handicapped child. If the team determines that, as a result of the child's nature or severity of handicap, the child requires removal from the regular educational environment, the team must justify in writing the reason(s) for such removal. Such justification would include *why* education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The use of the State Department of Education Referral for Evaluation form requires a written explanation concerning these aids and services used/proposed or not used/proposed to supplement to instruction in the regular classroom for the handicapped or purported to be handicapped child.

The State Department of Education Individualized Education Program form requires written justification for those children requiring removal from regular classes, including children who require instruction in special education classes on only a part-time basis. The State Department of Education Individualized Education Program form also requires the following to be addressed specifically: participation in physical education, vocational-technical instruction, and nonacademic/extracurricular services and activities, and adaptations in the regular classroom which are or are not required. There is also provision on this form for the team's opinion as to whether the placement represents the least restrictive environment for the child. As the least restrictive environment for each child may change over time, the State Department of Education Annual Review of

Placement/Individualized Education Program form requires written explanation for any changes in placement determined to be appropriate by the individualized education program/placement team, including placement in more restrictive settings.

F. Diplomas/Grading/Transcripts

It is recommended that *diplomas* issued to handicapped students be the same as those issued to nonhandicapped students. To do otherwise may leave the local school district open for a discrimination complaint.

This recommendation is based on the nondiscrimination clause in Section 504 of the 1973 Vocational-Rehabilitation Act and Oklahoma regulations. The intent is that handicapped students are entitled to receive the same considerations as nonhandicapped students. They should, therefore, not be excluded on the basis of their handicap from receiving any benefit for which they are otherwise qualified.

As long as handicapped students have successfully completed all requirements for graduation as outlined by their individualized education program teams or regular classes (following the Oklahoma State Board of Education guidelines for high school graduation), they cannot be denied graduation or given inferior diplomas.

There is one definite rule for *grading* students in all special education categories: There must not be any discrimination in the system of grading. That is, if all students in a school are graded by the A, B, C, etc., plan, special education students will also receive A, B, C, etc. In recording grades on a permanent record, such as a transcript, there must not be any reference to the student's placement in special education.

Public Law 94-142 is based on an "appropriate education." If this mandate is followed, fair grading should be no problem. Some suggestions:

1. Grades should never be given as motivation (A's) or punishment (F's).

2. A student should *earn* the grade. Too easy a program would result in too many A's and too difficult, D's or F's. A program should be planned on the level where the child is functioning but the teacher should always be alert to expand this level upward.

3. Students should not be placed in academic subject classes beyond their ability because of an inflexible school schedule.

Parents must understand grading in special classes. They need to be told where the student is functioning and what is being learned, rather than relying on report card "grades" to understand progress.

The teacher who has the student for a period should give the grade for that time. If the grade will go on one regular report card, the special teacher and regular teacher should confer. If the regular teacher objects to giving a "passing" grade to a student who is not in his/her class, both teachers could sign the report card. Since separate report cards are given on the secondary level, there should be no problem.

A student in special education can get a failing grade. He/she cannot fail because the academic level is too high (that is not an appropriate program) but failing grades may be given because of refusal to do work within capability and poor attendance. However, when failure does appear, consideration should be given to addressing the problem on the individualized education program with the idea of alleviating it.

Transcripts

A student's transcript must not contain any information which is considered to be confidential. This would include any reference to special education placement or categories, special services, test information or reference to handicapping conditions.

G. Discipline

When considering disciplinary measures for special education students, the following should be considered:

- Counseling
- "Time-out" area
- Restriction from participation in school activities
- Staying after school or class
- In-school suspension

1. For suspension of over ten days for the special education student, additional procedures should be followed:

   Schedule an individualized education program team meeting to determine if the student's behavior is the result of the handicapping condition. When the behavior *is* related to the handicapping condition, and a change in program or removal from the current program is recommended, the individualized education program *must* be revised to reflect the change in placement. The school *must* provide an alternative program (i.e., individualized education program revision, home-based, etc.). When the behavior *is not* related to the handicapping condition, the procedures established for regular students should be followed. However, any long-term change in the student's current school program should be recorded in the Individualized Education Program.

2. In an *emergency* situation when the student is endangering themselves or others, the school has the authority to remove the child from school immediately. However, the individualized education program/placement team must convene as soon as possible after an emergency removal to determine further appropriate action. In any event, the local district's disciplinary due process procedures must be followed.

3. Discipline problems that an individualized education program team is able to anticipate may be addressed on an individual basis in the child's Individualized Education Program.

H. Teacher Certification and Salary

The State Board of Education has approved the standards for a five-year standard, a three-year provisional, and a one-year temporary certificate for teachers in special education. The exact requirements to meet these standards are in *Teacher Education, Certification and Assignment Handbook*. If there are any questions concerning this, consult with the Certification Section of the State Department of Education.

To qualify as an instructor of exceptional children, a teacher must hold a valid special education teacher's certificate. Special education teachers of handicapped students must be certified in the disability area of the students they are assigned to teach. If a teacher is working with children in different categories, the teacher must have a certificate in each category. (Example: If a teacher is teaching mentally retarded half a day and learning disabilities the other periods, he/she must have certificates in both these categories.)

Special education teachers assigned to teach multihandicapped students must be certified in at least two disability areas.

Special education teachers are qualified to teach, in their areas of certification, *all eligible school age* handicapped students. Certification is for N-12: nursery through twelfth grade.

Special education teachers may give credit for the subject taught. (Example: On the secondary level, a student may receive credit in English, math, etc., if the special teacher is responsible for these subjects.) Special teachers should cover material, as appropriate, in the assigned subject area since students have the right to obtain *knowledge* on the level they function. A *broad curriculum* can be developed for all handicapped students.

Salary

State law provides that the teacher of special education shall be paid a minimum of five percent above the prevailing wage paid teachers of normal children in the same school district.

I. Confidentiality Procedures

The implementation of the Education for All Handicapped Children's Act requires the collection, storage, disclosure, and destruction of personally identifiable information. The local agency shall protect the confidentiality of all personally identifiable information as set forth in local agency policy. Each agency shall develop a policy in accordance with all federal regulations and state statutes or policies regarding educational records including Education for All Handicapped Children's Act, the Family Education Rights and Privacy Act of 1974, Education Department General Administrative Regulations, Oklahoma Statutes, and the Oklahoma State Plan for the Education of the Handicapped. The local agency shall make this policy available to the public annually.

One person in each local agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information. Persons collecting or using personally identifiable information shall be trained by the local agency annually in confidentiality policies and procedures.

Regardless of the location for delivery of services, (in-district, cooperative, out-of-district, public or private institution, etc.) the local education agency shall maintain confidential records for all residents receiving special education.

All confidential records for handicapped students will be kept in a separate folder and not in the child's regular school cumulative folder. These records will be kept in a secure, locked area.

Each local education agency/public agency shall provide parents on request a list of the types and locations of education records collected and maintained by the local education agency. Confidentiality procedures are to be posted around each school building at strategic locations.

The following documents should be considered pertinent to the confidential file for each handicapped child:

1. Confidential Record Signature Sheet
2. Referral for Evaluation
3. Parent Permission Form (signed)
4. Evaluation Report/Testing Results
5. Learning Disabilities Team Summary
6. Notification of Meeting
7. Record of Parent Contacts
8. Categorical Eligibility Statement
9. Current Individualized Education Program (with all signatures)
10. Review of Placement/Other Information as needed, such as adaptive behavior information, medical records, speech or language evaluation, auditory evaluation, eye report, etc.
11. Confidentiality Procedures
12. Release of Information

To facilitate the updating process, individual files should have information arranged in chronological order, with the current or most recent individualized education program and other documents at the front of the folder.

Documentation of all actions, protests, challenges and recommendations by the parents/guardians for eligibility, individualized education program or annual review purposes must be documented and included in the confidential file. Documentation must include date, nature of contact, and reason why parents/guardians were unable or unwilling to attend meetings.

Record Access--Parents have the right to inspect and review any education records relating to their child. The local education agency will respond to a request without unnecessary delay and in no case longer than 45 days after the request is made. If the record contains information on more than one child, parents shall have access only to the information about their child. Access rights include:

1. The right to a response to reasonable requests for explanation and interpretation of the records;

2. The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parents from exercising the right to inspect and review the records. (A minimal fee for copies of the records which are made for parents may be charged if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. A fee to search for or retrieve information may not be charged.)

3. The right to have a representative of the parents inspect and review the records.

4. Each agency shall maintain, for public inspection, a current listing of the names and positions of those employees who may have access to confidential information. The following persons have access to the records:

   Special education teacher
   Regular teacher
   Administrator and designated administrative personnel
   Counselor (including vocational rehabilitation)
   State Department of Education personnel

Vocational-technical education personnel
Parents/guardian
Student (if appropriate and 18 years old)
Related service providers
Paraprofessionals
Student teachers
School Nurses
Social Workers

Anyone not on the agency's current listing must have parental permission to access confidential records. A form must be kept in each handicapped student's folder to record who accessed the records, on what date, and the purpose.

An agency may presume that the parent has the authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority as a result of a court order in such matters as guardianship, separation, and divorce.

Parents may request amendment of records. A parent who believes that the educational information/records collected, maintained, or used are inaccurate, misleading, or violate the privacy or other rights of the child may request the school district to amend the records. The local education agency shall decide whether to amend the information within a reasonable period of time after receipt of the request (45 days).

If the local education agency decides to refuse to amend the information, it shall inform the parent of the refusal and advise the parent of the right to a hearing. On request, the local education agency has a responsibility to provide an opportunity for a hearing to challenge information in educational records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. A hearing challenging information in educational records shall be conducted according to procedures stated in the Family Educational Rights and Privacy Act (34 CFR 99.22).

If, as a result of the hearing, the local education agency decides that the information is inaccurate, misleading, otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parents in writing.

If, as a result of the hearing, the local education agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the local education agency.

Any explanation placed in the records of a child shall be maintained by the local education agency as part of the records as long as the record or contested portion is maintained by the local education agency. If the records of the child or the contested portion are disclosed by the local education agency to any party, the explanation must also be disclosed to that party.

The disclosure or transfer of confidential records used to provide special education shall be made according to local education agency policy. The local education agency policy should include the method of transfer of records to another local education agency and circumstances which require written parental permission before disclosure or transfer.

The release of confidential student information will be in accordance with the following guidelines:

1. Each local education agency will define directory information. Directory information may be released WITHOUT written parent permission. Parents will be sent a written notice that the records have been released and to whom. Directory information may include:

   a. Basic identifying information

      (1) Name and sex
      (2) Birthdate and birthplace
      (3) Home address and telephone number
      (4) Parent or guardian name, address, and telephone number
      (5) Names and dates of school attendance, location, and principal's name
      (6) Current health information, e.g., allergies, diseases, immunizations

   b. Functioning or performance information

      (1) Results of *group* standardized achievement tests
      (2) Results of *group* standardized intelligence and aptitude tests
      (3) Academic information

2. Information that REQUIRES written parent permission before release includes:

   a. Individual evaluations

      (1) All specialized records of professionals who have screened, assessed and/or evaluated the students, i.e., psychologist, psychometrist, social worker, diagnostician, physician's medical assessment, or any individual evaluation as it pertains to placement in a school program

      (2) Specialized reports from outside agencies or specialists, i.e., private schools, social service agencies, vocational rehabilitation, hospitals

   b. Anecdotal records

   c. Test results, prescriptive learning plans, and eligibility information from a regional education service center to a school district other than the school district where the child was evaluated

All confidential records will be maintained for at least five years from the time they are generated.

After five years or parent request and determination that the records are no longer needed they may be destroyed. Parents must be notified 60 days before destruction and will be offered the opportunity to obtain the documents.

All parental rights regarding educational records pass to the child upon reaching the age of majority (age 18) or when attending an institution of post secondary education unless a specific statute or court order directs otherwise.

The State Department of Education may maintain, give access and/or release personally identifiable data to other agencies in order to facilitate monitoring placements, provisions of services for children in need of special assistance or prolonged assistance, and to enforce legal requirements. Should a participating agency need to disclose personally identifiable

data other than for the purpose of which the data has been collected, the agency shall first obtain informed parent consent.

J. Step-by-Step Service Delivery Procedures

Step 1--SCREENING (all students) conducted by the local education agency, regional education service center, or other agencies.

Step II--REFERRAL (children with suspected special needs) initiated by school, a parent, or other agencies.

Step III--EVALUATION (by multidisciplinary team) Written parental consent is required *before* the student is evaluated. Parents must be given a written statement of their rights.

Step IV--CATEGORICAL ELIGIBILITY/STATEMENT Timeline: Within 15 calendar days of receipt of evaluation results, a team must determine categorical eligibility. Team composition: parent, administrator or administrative representative, the regular teacher, special teacher, and others as appropriate.

A special eligibility team is required for learning disabilities.

Step V--INDIVIDUALIZED EDUCATION PROGRAM/PLACEMENT TEAM (a team decision) Timeline: Within 30 calendar days of declared categorical eligibility. An individualized education program must be written before physical placement of student is made and services begin because the individualized education program lists the type of program, amount of time in the program, related services, and other required information.

If the categorical eligibility team declares a child to be eligible for special education, parental consent must be obtained before initial placement occurs. If parental consent to this placement is refused, the school/public agency must request a due process hearing to determine if the child may be initially provided special education without parental consent. Any changes in a child's special education program, after the initial placement, are subject to the prior notice and individualized education program requirements. These changes may be made without parental consent *if the above requirements are met*. Every reasonable effort should be made to involve parents in this decision making. The forms located in the appendix of this manual may be used to document efforts to: contact parents, notify parents of meetings to discuss their child's educational program and any changes that may be appropriate, and provide opportunities for parent participation. Written notice must be given to the parents of a handicapped child a reasonable time before a school/public agency proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education for the child.

The individualized education program/placement team meeting is the responsibility of the home district. A child cannot be sent to a co-op, vocational-technical school, state school, private school, or another district until this has been completed. The sending district (home) is responsible for writing the individualized education program, but the receiving school shall have a representative on this team. The home district may allow a co-op director to serve as its administrative representative on the IEP team if the home district and co-op have a written agreement or policy describing the co-op director's role. All blanks on the individualized education program are to be completely filled out.

Step VI--REVIEW OF INDIVIDUALIZED EDUCATION PROGRAM/PLACEMENT Timeline: At least annually; however, it may be written into the individualized education program that the review will be conducted more often as needed.

The review is done by a team (including parent) and a new individualized education program is to be written during the annual review meeting. For those students in their junior/senior year the annual review team should include a vocational rehabilitation counselor and others as appropriate for the transitional planning of the individualized education program and individualized written rehabilitation plan.

Step VII--Repeat of Steps III, IV, V, VI (see above) All handicapped children must be evaluated at least every three years. This may be done more often if needed. Need will be determined on the individual child's progress or lack of progress. Parental *written* permission is required for each evaluation.

K. Evaluation

1. After screening and referral, each handicapped or purported to be handicapped child will be individually evaluated to determine eligibility for special services.

   a. Parent permission for testing

      When there is reason to believe that a child is in need of special education services and such a child becomes the subject of individual evaluation procedures (formal testing, informal assessment), then *advanced written permission* for such procedures to be used shall be obtained from the parents. The notice requesting permission for such testing shall contain the following:

      The reason the evaluation has been requested and the name of the person who initiated the process;

      A statement of the right to refuse to permit the evaluation, with the understanding that the local education agency can request a hearing to present its reasons and try to obtain permission for the evaluation; and

      A declaration that the child's educational status will not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted.

   b. Parents refusal

      If the parents refuse to give permission for an evaluation, the local education agency should attempt to seek resolution through an individual conference(s). If the parents continue to refuse consent for the proposed evaluation, the school/public agency must request a due process hearing to obtain a decision to allow the evaluation without parental consent. The parent must be notified of this action and the parent is entitled to all due process hearing rights.

   c. Comprehensive assessment

      The assessment of a child suspected of having a handicapping condition will be conducted by a multidisciplinary team. The individual evaluation will be conducted by a person qualified to administer and interpret a range of individual diagnostic instruments each of which is designed to confirm the nature and degree of disability. In order to provide a comprehensive view of the child from the perspective of the school, home, and community, the following information must be obtained and considered in the placement decision:

School information. Information from the school will include, but not be limited to, an assessment of the following areas:

(1) Educational functioning: An assessment will be made of the child's educational functioning in relation to the academic program of the school; and the results of this assessment shall be expressed in terms of both the child's strengths and weaknesses. The assessment should be comprehensive, using a full range of instrumentation and observations, including diagnostic tests and other appropriate and informal measurements. Whenever intelligence tests are administered, the I.Q. score, shall not be used as the sole criterion in making inferences about the child's level of intelligence or learning potential. The full test (including protocols, content, subtests, etc.), will be interpreted by the qualified examiner who administered the test.

(2) Psychomotor and sensory development: An assessment also will be made of the child's psychomotor and sensory development, including audiological and ophthalmological or optometric examination if deemed necessary. For deaf/hard-of-hearing children, age of onset and cause will be checked.

(3) Adaptive behavior: An assessment also will be made of the child's adaptive behavior in the school setting based on observations and records, and where appropriate, the use of adaptive behavior scales. Information from the home will include as appropriate: (1) the child's adaptive behavior in the home, community, and neighborhood, as perceived by his parents or guardians or principal caretakers, (2) the sociocultural background of the family, (3) the child's health and development history, and (4) language spoken in the home.

Home Information. Information from the home will include:

a. The child's adaptive behiavor in the home, community, and nieghborhood, as preceived by his parents, guardians, or principal caretakers.

b. The sociocultural background of the family.

c. The child's health and developmental history.

d. Modification of Procedures for Children with Linguistic or Cultural Differences

No assessment will be attempted when a child is unable to respond to the tasks or behavior required by a test because of linguistic or cultural differences unless culturally and linguistically appropriate measures are administered by qualified persons. In those cases in which appropriate measures and/or qualified persons are not available, diagnostic-prescriptive education programs will be used until the child has acquired sufficient familiarity with the language and culture of the school before a formal assessment is conducted.

Persons interpreting assessment information and making educational decisions will be qualified to administer the various measures and qualified to take cultural differences into account in interpreting the meaning of data from the home and the school.

e. Specific qualifications

Standardized test data should be a part of evaluation information used in making placement recommendations. School achievement, general adaptive behavior and environmental information should also be included in the individual's record folder.

Individuals qualified to administer tests for possible placement in classes or programs for the *mentally handicapped* and for children with *learning disabilities* are:

(1) Psychiatrists
(2) Licensed psychologists
(3) Certified school psychologists
(4) Certified school psychometrists
(5) State merit board qualified examiners

For possible placement in classes or programs for the *emotionally disturbed*:

(1) Psychiatrists
(2) Licensed psychologists
(3) Certified school psychologists
(5) State merit board qualified psychologists

For possible placement in a class or program for the *blind or partially sighted*:

(1) Ophthalmologists
(2) Optometrists

For possible placement in a class or program for the *physically handicapped*:

(1) Medical doctors
(2) Osteopaths

For possible placement in a class or program for the *speech or language impaired*:

(1) Audiologists
(2) Certified speech language pathologists
(3) State merit board qualified speech language pathologists

For possible placement in a class for the *hearing impaired*:

(1) Audiologists
(2) Medical doctors

In case of a child whose primary home language is other than English, the following conditions must be met:

(1) Examiner is fluent in the primary language of the home; or

(2) There is available to the examiner, an interpreter fluent in the primary language of the home; and

(3) Tests used must contain sufficient nonverbal material to enable a valid, reliable decision to be made as to the individual's probable level of educational functioning.

Learning Disabilities--Eligibility Team

The learning disabilities eligibility team will consist of a regular teacher, learning disabilities teacher, and a person knowledgeable in the tests procedures and results. They will meet as a team, evaluate the information gathered concerning the student and complete the learning disabilities eligibility form. This team can then become the Individualized Education Program team by adding an administrative representative and the parent. The LD eligibility team must be careful to address exclusionary factors in the federal definition of learning disabilities. This process is to be used for all new referrals and each reevaluation (at least every three years).

At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age. Although a summary of the observation is indicated on the learning disabilities eligibility team summary, documentation of actual observation will be needed.

Suggested forms to be used by the three-member learning disabilities eligibility team and the full team (learning disabilities team plus administrator and parent), are located on Form 8 of this manual.

L. Categorical Eligibility Statement

A team must meet to determine the appropriate category for a handicapped or suspected to be handicapped child. The team will consist of the parent, a special and regular teacher, and someone representing the administration of the school. All evaluation material available will be reviewed before the team declares the child eligible for placement in the appropriate category. Before a team proceeds/confers eligibility the team must determine that the evaluation results are thorough. If additional evaluation is needed the team should obtain before determining eligibility.

The category considered to be appropriate for the child's handicapping condition must be listed on the appropriate form. Written notice must be given to the parent before the school or public agency proposes or refuses to categorize the child. The parent must be given the opportunity to participate as a member of this team. Signatures of all team members in agreement with the category must be present on this form. The school/public agency or parent may request a due process hearing concerning the proposal or refusal to initiate or change the categorization of the child.

If the child is *not eligible* for special education placement, the team must so indicate, and provide the regular classroom teacher appropriate instructional ideas in writing at the bottom of the form and sign.

The eligibility team for learning disabilities does not include the parent or administrator, but must include someone capable of interpreting diagnostic tests. There must, also, be a report of an observation included in the evaluation material.

The categorical eligibility team must meet and declare whether a child is eligible or not within 15 calendar days of receipt of evaluation results.

It is possible and often practical for the categorical eligibility team to write the individualized education program at the same meeting. In case of learning disabilities, the

parent and administrator would need to join the team to write the individualized education program.

Removal from Special Education Program

A handicapped child *cannot* be removed from a special program until the proper steps are followed:

1. Reevaluation. This may be a complete battery of tests or some documentation that the child's status has changed.

2. Categorical Eligibility Team Meeting. This is necessary to change the category or to take the child out of a category.

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS*	SELF-CONTAINED MAXIMUM CLASS SIZE **	AGE***
Blind and Visually Impaired	Ophthalmological Educational	Corrected visual acuity of 20/70 or less, or visual field no greater than 20 degrees in the better eye, or a visual impairment which, even with the best correction, adversely affects performance in a regular class	10	0-21
Deaf-Blind	Audiological Ophthalmological Educational	Functional impairment in both hearing and vision so severe that they cannot be served in classes solely for deaf or blind	10	0-21
Deaf/Hard-of-Hearing	Individual Audiological Educational	40 minimum decibel loss or hearing impairment which even with best correction adversely affects performance in a regular class	15	0-21
Multihandicapped	Psychological Developmental Educational Medical	Two or more impairments so severe that they cannot be served in programs solely for one of the impairments	10	0-21
Mentally Retarded	Psychological Educational Developmental Adaptive Behavior	Deficits in I.Q. and adaptive behavior functioning		
Educable		I.Q. 50-75	15	4-21
Trainable		I.Q. 30-50	10	0-21
Orthopedically Impaired (Physically Handicapped)	Medical Psychological Educational	Physically handicapped to the extent of needing special education	15	0-21

* Following the law, all eligibility placement will be done by a team. Individual needs and appropriateness must be considered.

** Class size is based on a full-time special teacher. Less than full-time, the class size will be prorated. Example: a half-time lab teacher could serve 13 students. NOTE: See page 8 for laboratory or resource room sizes.

*** Severely handicapped children may begin receiving special education services at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age.

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS*	SELF-CONTAINED MAXIMUM CLASS SIZE **	AGE***
Other Health Impaired	Medical Educational	Chronic or acute health problems which adversely affect child's educational performance	10	0-21
Seriously Emotionally Disturbed	Psychological--by psychologist or psychiatrist Educational	Emotional problems affecting performance in regular class	10	4-21
Learning Disabilities	Educational Psychological Classroom Observation Multidisciplinary team *Eligibility Regulations--See Form 5	Severe discrepancy between achievement and intellectual ability which is not correctable without special education and related services	10	4-21
Speech OR Language Impaired	Screening/ Individual diagnosis and assessment Screening/ Individual diagnosis and assessment	Indication of disorder, deviation or general developmental delay in communication skills Receptive and expressive disorders, auditory perceptual difficulties	Maximum case load of 75 For laboratory case load information see page 8.	0-21 0-21
Homebound	Physician's Statement --- Physician's Statement	Illness --- Pregnant girls	3 one-hour periods per week	5-21
Itinerant Teacher Direct Services Homebased --- Indirect Services	Psychological Educational Developmental Medical	Needs of individual handicapped child	Maximum case load of 25 --- Maximum case load of 40	0-21 --- 0-21

* Following the law, all eligibility placement will be done by a team. Individual needs and appropriateness must be considered.

** Class size is based on a full-time special teacher. Less than full-time, the class size will be prorated. Example: a half-time lab teacher could serve 13 students. **NOTE: See page 8 for laboratory or resource room sizes.**

*** Severely handicapped children may begin receiving special education services at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age.

M. Individualized Education Program

A child may not be placed in a special education program until an individualized education program has been written.

The individualized education program has two main parts:

Part I

The individualized education program team meeting: Parents and school personnel *jointly make decisions* about a handicapped child's program, and

Part II

The individualized education program document: *a record of the decisions* reached at the meeting.

The individualized education program team meeting and program have the following purposes:

1. To provide for parental involvement in educational decisions.
2. To protect the rights of parents, children, and districts.
3. To ensure that each handicapped child is provided special education and related services appropriate to his/her special learning needs.
4. To ensure accurate and timely communication between all participating parties to: identify the child's strengths, educational deficits, special services to be provided, the anticipated outcomes, and procedures for evaluating child progress.
5. To include transitional planning to span the gap between school and independent living status.

The school may hold an informal meeting of professionals prior to the eligibility team meeting for the purpose of reviewing information. The local education agency must establish a formal multidisciplinary team (which shall declare a student eligible or not) within 15 calendar days after receiving all appropriate student evaluation data. Psychological, social, adaptive behavior, medical, academic, and other information may be used by the team to determine categorical eligibility and develop an appropriate individualized program for the child. The purpose of the eligibility meeting is to explain to the parents the results of the evaluation data and decide if the child is eligible for special education. In the case of learning disabilities, the team must complete both the Learning Disabilities Eligibility Team Summary and the Categorical Eligibility Statement.

An individualized education program must be written, in a team meeting, before a child is placed in a program and special education and related services are initiated. The individualized education program team is composed of the child's parent, an administrator, or administrative representative, the regular teacher, the special teacher, the child, and others as appropriate. (Note: One of the team members should be the child's teacher.)

If the team determines that the child is ineligible for special education, appropriate recommendations are written for the regular classroom program.

If the local education agency does not have an appropriate program for the child, the local education agency has up to 30 calendar days from the date the child is declared eligible for service to write an individualized education program, locate an appropriate program, secure a transfer, arrange transportation and initiate services for that child.

When a local education agency proposes the placement of a child in a program located in another district or agency, the home district is responsible for conducting the initial individualized education program meeting. The individualized education program must be developed before the child is placed in the other district or agency since it describes the special education and related services to be provided. A representative of the receiving school or agency should be present when the individualized education program is written. The home district may allow a co-op director to serve as its administrative representative on the IEP team if the home district and co-op have a written agreement or policy describing the co-op director's role.

Note: Once a child enters a program that is in another district or agency, any meeting to review and revise the child's individualized education program could be conducted by either the local education agency or the other district or agency. However, both districts should be represented and the home district remains responsible for monitoring the program to see that appropriate educational services are provided.

The evaluation member on the team ideally, should be the one who conducted the evaluation. This person should be present to interpret the test results for the team which includes the parents. Practically, it may be a person already on the team who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation.

The administrative representative could be either a teacher, principal, supervisor, or other administrator providing the person serving in that capacity has the authority of the chief school officer and the local board of education, to commit district resources and services. The resources and services agreed upon at the individualized education program meeting shall be provided and may not be vetoed at a higher administrative level.

Note: It is suggested that in the case of a severe disability where unusual expense is anticipated, the chief school officer should participate in person.

While it is necessary to ensure that all direct services personnel who work with a handicapped child are informed about and involved in implementing the child's Individualized Education Program, this does not mean that they must all attend the individualized education program meeting.

All appropriate services such as speech and language, physical therapy, occupational therapy, adaptive physical education and transportation should be addressed on *one individualized education program*. There will not be a separate individualized education program for any related service.

Each school/public agency shall document steps taken to afford parents the opportunity to participate in team meetings. The forms suggested in the appendix of this manual may be used to document efforts to contact parents and to provide written notice to parents prior to the discussion of any changes in a child's educational program that may be proposed in a team meeting.

If neither parent can attend a team meeting the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls. Records of such efforts must be maintained. A meeting may be conducted without a parent in

attendance if the public agency can *document* it has been unable (using reasonable efforts) to convince the parents that they should attend.

For initial placement, written parental consent must be obtained before placement of a handicapped child in a special education program. It would not be inappropriate for an agency staff to come prepared with the evaluation findings, and, in some cases, with recommendations regarding the kinds of special education and related services to be provided. However, the agency must make it clear to the parents from the outset of the meeting that the services proposed by the agency are only recommendations for review and discussion with the parents.

After an individualized education program has been developed by a team and is being implemented, significant changes in the amount of services listed in the individualized education program cannot be made without providing the parents with the opportunity of attending an individualized education program team meeting to discuss these changes with *prior written notice* of these changes provided to the parents. However, as long as there is no change in the overall amount, some adjustments in scheduling the services should be possible (based on the professional judgment of the service provider) without holding another individualized education program meeting. For example, if a service is changed from two half-hour sessions per week to three twenty minute sessions, this generally would not require another Individualized Education Program meeting.

When a handicapped child is placed in the regular classroom and adjustment must be made to accommodate for the child's disability, these adjustments must be included in the individualized education program.

If a handicapped child is being served *totally* within the regular class with an individualized education program and the child is to be counted as served (for federal and state funding), there must be a consultant or "back-up" person certified in the category of the child's disability. This person will (1) serve on the following teams: categorical eligibility, individualized education program and annual review; and (2) act as a consultant and provide special teaching materials to the regular teacher.

The individualized education program must be reviewed at least annually (more frequently if needed) by a team consisting of the parents, administrator, or administrative representative, regular teacher, special teacher, the child, and others when appropriate.

For those students in their junior/senior year the annual review team should include a vocational rehabilitation counselor and others as appropriate for the transitional planning of the individualized education program and individualized written rehabilitation plan.

A special education child must be reevaluated every three years. The purpose of the reevaluation is to gather evaluation information that will enable the team to determine if the child's categorical eligibility and placement is appropriate. A new categorical eligibility statement must be executed by the team every three years.

Under certain circumstances constituting an emergency, a child may be placed in a program pending receipt of necessary records or as part of the evaluation process to aid in determining the appropriate placement. When such placement is made, it must be made with the following:

1. An individualized education program must be developed for the child, which sets out the specific conditions and timelines for the placement.

2. Parental consent must be obtained before initial placement and the parents must be given opportunity to participate in the development, review, and any needed revision of the child's individualized education program.

3. A specific timeline must be set for completing the evaluation and making judgments about the most appropriate placement for the child. (Note: These activities *must* be completed within a 30 calendar day time-period.)

4. At the end of this placement, a meeting must be conducted to review and finalize the child's individualized education program.

If a handicapped child has been receiving special education services in one school district and moves to another school district, the new local education agency must hold an individualized education program meeting. Documentation of the meeting and the individualized education program acceptance/revision shall be required.

At the meeting, the parents and school personnel would: (1) review the child's former placement and school records, and (2) revise the child's individualized education program, where necessary. (Note: If the child's previous individualized education program is not available, a new individualized education program would have to be developed.) The meeting should take place within one week after the parents enroll the child in the new school; and the child must be placed in a special education program immediately after the individualized education program is written.

Computerized Individualized Education Program

There is no required format for the computerized individualized education program; however, the required information on regular individualized education program must be included on the form. Note: Besides indicating parent present, some statement should be made concerning parent participation (example: Were you (parent) encouraged to participate in the development of this individualized education program?) Leave space after each area of short term instructional objectives in order that additions might be made during the team meeting.

It is permissible to take a computerized individualized education program printout into the team meeting provided it contains the above listed content. Individualized education program team members must be allowed the opportunity to make additions and deletions to the prepared printout. This ensures the development of an individualized education program in compliance with federal regulations and state policies.

The printout or draft, with additions or deletions noting the team action, may become the finalized individualized education program which documents team action. As the finalized individualized education program, the signature of the team participants would appear on the draft.

A draft prepared prior to the individualized education program team meeting may be in the form of a computer printout, typewritten or prewritten. Any draft may become a formalized document as long as team participation is assured and dated signatures appear on the draft. Note: Required team members must meet to develop the individualized education program at the same time and place.

N. Related Services

1. The term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to *benefit from special education*, and includes:

   a. Speech/language pathology and audiology
   b. Psychological services
   c. Physical and occupational therapy
   d. Recreation/therapeutic
   e. Early identification and assessment of disabilities in children
   f. Counseling services
   g. Medical services for diagnostic or evaluation purposes
   h. School health services
   i. Social work services in schools
   j. Parent counseling and training

2. All related services as needed by the child must be included on the individualized education program. This should include the amount of time the child will receive the services, the responsible service provider and length of service.

3. It is the responsibility of the district where the child resides to provide transportation. The local school district is responsible for the special education child from the time the student is loaded at the "home curb" until returned and unloaded at the "home curb." The parent or their designee is responsible for "door-to-curb," "curb-to door," and "street crossing" of the child to the designated loading and unloading point.

   Based upon mutual agreement between two participating school districts, a school district offering special education classes may extend its transportation program to include the transportation of students qualifying for special education in an adjacent school district which does not offer special education classes.

   The local school district may provide this service directly or contract with parents (or someone other than the school) to furnish transportation. The exact miles driven and exact cost per mile to be paid by the school should be *written in the individualized education program*. This would be by agreement of the school and the party who does the driving. Since Public Law 94-142 provides that services should be at no cost to the parents, equitable arrangement must be made.

   For the home district to be liable for transportation to and from a residential school, the home school must be involved with the planning. Transportation is a related service and must be included as a part of the individualized education program. The parent and the home school, by signing the individualized education program, agree on the transportation to be furnished at no cost to the parent. Note: A new individualized education program must be written each year with related services listed.

4. Special education paraprofessionals

   a. Legal Authority and Definition

      The *Administrators' Handbook for Elementary, Middle, Junior High and High Schools* states:

"The State Board of Education, pursuant to (70-13-105), deems it necessary to authorize the use of a trained paraprofessional in the teaching of *handicapped children categorized multihandicapped and deaf-blind.*"

"The State Board of Education defines a trained paraprofessional as a person listed on the paraprofessional register maintained in the Special Education Section of the State Department of Education. These persons will have completed paraprofessional training administered by the State Department of Education. Unless prohibited by statute, the trained paraprofessional may conduct activities of the components of the individualized education program of multiple -handicapped or deaf-blind children. The trained paraprofessional will conduct these activities under the direction of a certified special education teacher."

The special education paraprofessional works alongside the special education teacher. With differentiated responsibilities, the paraprofessional carries out the program developed by the special education teacher for the multihandicapped or deaf-blind children.

The definition of special education paraprofessionals does not include those individuals who are referred to as classroom teacher aides inthe Administrators' Handbook.

b. Duties and Responsibilities

It is essential for the multihandicapped certified teacher to recognize the skill level possessed by the paraprofessional entering the multihandicapped or deaf-blind setting. The paraprofessional will need specific direction in performing activities typically found in the multihandicapped or deaf-blind classroom including self-help skills, communication skills, cognitive skills, preacademics/academics, motor programming such as positioning and handling, behavior management, vocational skills, and daily living skills. The paraprofessional will also need guidance in the use and maintenance of classroom equipment and any adaptive equipment utilized by individual handicapped students. Hygiene is of utmost importance in mentally handicapped and deaf-blind classroom maintenance.

Corporal punishment should be administered by certified personnel only, unless stated otherwise in the individualized education program.

c. Administrative Procedures

No more than three paraprofessionals, whether full-time or part-time, shall be assigned to a multihandicapped certified teacher. No paraprofessional shall be assigned to more than two multihandicapped certified teachers or educational facilities. Paraprofessionals may work with individual students, small groups, or the total classroom. The student-teacher ratio for mentally handicapped, deaf-blind classrooms will remain the same.

Paraprofessionals may work with or supervise students in the classroom, playground, hall, restroom, therapy area, gymnasium, other specified areas on a school campus, community-based activities, and transportation situations. In some situations the paraprofessional may conduct this supervision without the multihandicapped certified teacher being present. When supervising students without the multihandicapped certified teacher being present, the paraprofessional should have designated certified personnel to report to for directions and consultation.

d. Training

A register of trained paraprofessionals will be maintained by the State Department of Education, Special Education Section. To qualify for this register, a person must satisfactorily complete an initial 20 hours of training conducted by the State Department of Education. Following satisfactory completion of the initial training, a paraprofessional will complete an additional six hours of training each school year. This annual training could be coordinated as part of the school's staff development plan and supported through comprehensive system of personnel developement. The local education agency making application for reimbursement of a paraprofessional's salary will be responsible for submitting a training proposal with the Education for All Handicapped Children's Act-B discretionary application. The six hours annual training provided the paraprofessional will be specific to the multihandicapped, deaf-blind program to which the paraprofessional is assigned.

O. Surrogate Parents

1. Parent involvement is an important provision of the federal regulations for education of handicapped children. The term "parents" is defined to include a child's natural parents, guardians, relatives, or stepparents with whom a child lives, or surrogate parents appointed in accordance with state and federal requirements. The term "parents" does not include the state or employees of public agencies (e.g., social workers or directors of agencies) if the child is a ward of the court.

2. When no parent can be identified, the whereabouts of the parents cannot be discovered after reasonable efforts, or the child is a ward of the court, the local education agency or public agency providing educational services shall ensure that the rights of the handicapped child are protected by assignment of a surrogate parent.

3. Upon determining a handicapped child's need for a surrogate parent, the school district or public agency providing educational services must assign a surrogate parent. A record of surrogate parents assigned to individual handicapped children shall be maintained by the school district or public agency providing educational services. This record shall be maintained in a confidential manner.

4. Criteria for selection of surrogates include that the persons selected must:

   a. Have no interest that conflicts with the interests of the child he or she represents;

   b. Have knowledge and skills that ensure adequate representation of the child;

   c. Not be an employee of the public agency which is involved in the education or care of the child.

5. To ensure knowledge and skills, the training of surrogate parents should include:

   a. Information regarding state and federal requirements for education of handicapped children;

   b. Parents rights and responsibilities;

   c. Procedural safeguards and due process;

d. Step-by-step process for delivery of special education services;

e. Structures, procedures, or forms of the public agency to document procedural safeguards;

f. Information about the nature of the child's disability and needs;

g. Other information deemed necessary by the public agency or surrogate parent.

6. Training of surrogate parents may be conducted by the school districts or responsible public agencies. When surrogate parents receive training from another agency, written notice of completion of training should be provided and *verified* by the educational agency. The State Department of Education and regional education service centers provide additional information or materials for surrogate parent training as needed.

7. Surrogate parents have rights and responsibility to represent the handicapped child in all matters relating to:

   a. Identification, evaluation, and educational placement of the child, and;
   b. Provision of a free appropriate public education for the child.

8. Foster parents of children who are wards of the court, may be trained and assigned as surrogate parents. The school district or public agency must officially assign foster parents as surrogate parents for handicapped children. If the foster parent chooses not to act as the surrogate parent, another trained surrogate parent will be provided by the school district or public agency.

9. The educational agency must ensure that surrogate parents perform their responsibilities, remain free from conflict of interest, and take no actions that might be harmful to the child. If an assigned surrogate parent fails to perform the necessary duties or no longer meets the selection criteria, the agency may seek resignation or removal of assignment as surrogate parent. Disagreements about surrogate parent assignments may be subject to due process hearing procedures, if necessary.

10. Oklahoma law provides that a person is no longer considered a "minor" or a "child" after the age of 18 years, upon marriage, or emancipation. These students may legally give consent in educational matters, but surrogate parents might be assigned, with their agreement, to assist in representing their rights as handicapped students. In circumstances where the student is so severely handicapped as to be unable to give consent, courts can appoint parents as guardians to act on behalf of the student.

IV. SPECIAL SERVICES

Procedures for placing a child on a special services program: A child must be a resident of the school district requesting special services or be legally transferred to the district. Each case has to be considered separately and upon its own merits.

A. Homebound

The program provides the opportunity for children to enjoy achievement in the academic subjects of our public schools and advance in their efforts to obtain an education at their rate of development, when they are unable to attend public school because of illness.

1. Eligibility: A child is eligible for homebound services who, because of illness, will be absent from a school a minimum of two weeks.

   When a child is ill and unable to attend any school in his district, the superintendent of any independent school, with the approval of his school board, or a county superintendent of dependent schools with the approval of the local board, may provide a homebound teacher for the child in his home or hospital. A child taught in his home by a visiting teacher or by school-to-home telephone system must be a resident of the district or legally transferred.

   If the child's education has been interrupted because of illness the State Board of Education may grant permission for him to remain on the program an additional year for each year that his education was interrupted, or until the student reaches his 26th birthday, providing that his progress in his school work is satisfactory and the extension of time is necessary for the completion of the 12 grades.

   A child who is absent from school occasionally or because of some minor illness and is not in any danger of having to repeat a grade, should not be considered an eligible candidate for the homebound teaching program. This child should be encouraged by his teacher to keep up with the class assignments.

   Before a child is placed on the homebound program, the superintendent must complete and return the proper forms to the Special Education Section.

2. Class size. One homebound child who is provided instruction one hour per day, three days per week is considered a unit or class of homebound teaching.

3. Attendance of homebound children in the regular classroom

   A child receiving instruction by a teacher on the homebound teaching program must be enrolled as a student in the school providing this special service. When a child is taught by a visiting teacher for one hour per day for three days per week, the child shall be counted as having attended school five days per week, and his attendance shall be so entered in the school register.

4. Homebound for pregnant girls. The purpose of any homebound instruction is essentially emergency in nature and should be used only when other approaches cannot be used. The limited instruction time and the lack of social interaction are vital factors to be considered and present programs providing for group activities should not be discontinued.

   Eligibility for reimbursement under this section of the law will depend on local districts meeting the following regulations:

   a. The girl must be a current enrollee of the district whose intent is to complete her high school education.

   b. Homebound instruction should be terminated six weeks after delivery.

   School systems with ten or more eligible girls are encouraged to provide in-school programs of at least three hours per day. Reimbursement for this type of program shall be at the same rate as regular homebound instruction.

B. Transportation to Special Education Classes

Reimbursement--The school district may be reimbursed at six cents per mile for public school buses, not to exceed $450 per child per year. If a private carrier is used, the district may be reimbursed at a rate not to exceed the state rate per mile to and from school, not to exceed $900 per child per year. When more than one child is transported in the same vehicle, an additional charge of not more than half the state rate per mile per additional pupil may be made. (Reimbursement will only be made for one round trip per day.)

C. Transportation to Regular Class

When a physically handicapped child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the state Special Education Section, is authorized to make provisions for transportation of such a child to attend the regular school in the district where he is *authorized to attend*.

D. Therapists

Physical and occupational therapists must be employed on a *full-time basis*, exclusively by applicant, for the specified school year. *No reimbursement will be made on a part-time or contracted basis*. Reimbursement is $1,250 per semester or $2,500 per year.

E. Deaf-Blind

Payments will be made for special education of any deaf-blind child, resident of the State of Oklahoma, in any private or public institution, either inside or outside of the state, but in no case shall payment from state funds for such special education, including board and room, and transportation, exceed $5,000 per child per year. Application for Preapproval will be made to determine the exact amount of funds needed and the use of these funds.

F. Physically Handicapped

The purpose of transportation, special equipment, devices and books (large print books for partially seeing children), readers, supplies or other facilities, or for special instruction within the regular school building as set out in the law, is to make it possible for a physically handicapped child to participate in classroom activities and benefit from the association with other children. A child must be so handicapped that he is physically unable to attend school in a regular classroom without the aid of one or more of the special services.

Reimbursement not to exceed $225 per semester or $450 per year.

G. County and Cooperative Programs

County superintendents may organize and operate special education programs as provided by law. *Also*, two or more school districts are authorized to form cooperative programs to provide special education services. When a teacher is required to travel from one school to another, serving those who need special training, the teacher's travel cost between the schools should be paid. Reimbursement, not to exceed $450 per teacher per year, will be made by the Special Education Section of the State Department of Education.

Method of Reimbursement

Special services are reimbursed from a fund established by legislative action. Reimbursement for special services will follow the schedules as stated in the foregoing section and will be handled in the following manner:

a. A Preapproval Application for the special service must be on file with the Special Education Section.

b. Application for Aid will be sent by the state Special Education Section to each school district that has on file an approved Preapproval for a special service. These applications will be mailed to the districts at the end of each semester. The first semester's Application for Aid should be returned within 30 days from the end of the first semester. The second semester's Application for Aid *must* be returned by *June 1*.

c. Application for Aid will be reviewed and checks will be mailed to the school districts for the amounts to be reimbursed.

Reimbursement will be made (at the end of each semester), using half of the appropriated funds for each semester.

School districts conducting an approved home teaching program must pay the teacher of the homebound child a minimum of $9 per hour for three one-hour home visits per week. Approved programs will be reimbursed at the end of each semester, subject to available funds not to exceed $27 per week.

In addition to salary, reimbursement can be made at the state rate per mile for the necessary distance traveled by a homebound teacher, if the distance is two or more miles per round trip. The distance is figured from the school the child would normally attend to the child's home.

H. School-to-Home Telephone System

When a physically handicapped child is taught in his home by the school-to-home telephone system, reimbursement will be made of not more than $300 per year for each child to pay the cost of such services. Reimbursement will be made at the end of each semester.

I. Boarding Exceptional Children

Reimbursement, not to exceed $450 per child per year, will be made when school districts make provisions for boarding exceptional children who must be transferred from their home districts to school districts providing needed special services.

If Applications for Aid exceed available funds, each claim will be prorated.

J, Teacher qualifications

Teachers of homebound children shall hold a valid Oklahoma Teacher's Certificate.

A Special Education Certificate is *not* required.

Teachers employed to teach in the regular classroom may be employed to teach homebound children before or after school hours and be paid extra for this service.

Note: All second semester applications for aid must be in the special education office by June 1.

V. RECOMMENDATIONS FOR TRANSPORTATION OF HANDICAPPED CHILDREN

At the beginning of each school year an orientation of bus drivers, responsible for handicapped children, should be held between drivers, special education faculty, school nurse(s), principal(s), and other personnel responsible for adapting the school program to meet the educational needs of students.

Orientation should include information about pertinent physical, mental, and emotional data that a driver may need to know in assisting a handicapped student in riding a bus successfully with his peers.

Following are suggested concerns of which the professional staff should be aware and share with drivers when it is necessary for the welfare of the handicapped student.

A. A communication system must be clearly defined so that information can be shared quickly and efficiently, as necessary, between drivers and personnel responsible for the educational program of handicapped students. It would be helpful if the buses were equipped with a two-way radio system.

B. All physically handicapping conditions that may require assistance from the driver such as getting off or on the bus because of weather conditions, braces, prosthesis, as well as other visual, hearing, or mental disability should be known prior to the first bus run or as quickly as possible.

C. The parent or their designee is responsible for "door-to-curb," "curb-to-door" and "street crossing" of the child to the loading and unloading point.

D. Techniques and procedures should be clearly outlined and understood for children that may cause an emergency. The bus driver needs to be aware of children with epilepsy, diabetes, cerebral palsy, etc. Pertinent information should be known by the driver at all times.

E. Drivers will need to know the proper way of lifting those students with braces, etc., or techniques for strapping students in the seat for assuring safe riding in consideration of handicapping condition. Techniques should conform to that advocated by the therapist in charge. Drivers should also be aware of the objectives of the therapy program. For example, if the child can walk independently but prefers the luxury of being carried, the driver should abide by the program established for the benefit of the child.

F. If there are pupils who for any reason need special or emotional support, instructors of these students should assist drivers in understanding and developing techniques in making commuting to and from school a good experience while reinforcing the educational objectives for a particular student.

G. Socialization is necessary for all children. Bus drivers should share in the responsibility of assisting the handicapped to remain as "normalized" as possible with other students by developing a posture of expectation, kindness and understanding of each individual"s need while under his/her responsibility to and from school or other school-related activities.

VI. EARLY CHILDHOOD HANDICAPPED

A. Rationale

Early intervention programs and parent education help prevent cumulative effects of disabilities. Research indicates that the earlier the intervention programs begin, the greater the benefits are to the child and the more cost effective they are to the service providers.

B. Legal Considerations

Local education agencies are required to locate and identify all handicapped children birth through 21 years who reside in their districts. Under Oklahoma statutes, services for severely handicapped under four years are mandated for those such as deaf, blind, and "failing to thrive" is interpreted to be a functional level of 50% or more below the normal expected development, e.g., a four year old child functioning as a two year old child would be at the 50% functional level. A child may fail to "thrive" in one or more of the following areas:

1. Physical development--includes medical, vision, hearing, gross and/or fine motor development.

2. Language development--receptive and/or expressive language.

3. Cognitive or mental development "thinking skills"--ability to relate causes to events.

4. Adaptive development--self-management which includes self-help, social skills, initiative, and follow through capabilities.

C. Causes

It should be noted that severe developmental delays may indicate disabilities or lack of stimulations, opportunity or incentive. Prevention techniques recommended by national research projects include supervised contact with young children for teenagers as a preparenting experience. Early prenatal care and follow-up of all pregnancies are also recommended to prevent central nervous system related disabilities that may affect learning and development.

Diagnosis

Pediatric reports, parent interviews, observations, adaptive and developmental measure should be used initially. Later child growth and attainment reports should be utilized to determine progress and/or regressions. Appropriate adjustments should be made in the individualized education programs as needed.

E. Service Delivery System

The local district shall serve children in individually appropriate least restrictive environments. These environments may include the home, centers, hospital, or school-based settings, or an appropriate combination of the above. Integrated placement with children who are not handicapped may be made in programs which meet state standards in public or private:

a. Nursery schools
b. Day-care programs
c. Head Start
d. Prekindergarten
e. Kindergarten
f. Primary grades

F. Interagency Coordination for Services

The exchange for information between local interagency groups is recommended for the coordination of services because many agencies are funded to serve eligible handicapped children. In this regard, the local education agency may work in connection with the parent or other public or private agencies to serve the child. The individualized education program may serve as the agreement for services on an individual basis or user contract agreements may be developed for groups.

The local school may provide itinerant teacher service to handicapped children located in public nonprofit nonsectarian centers, etc. Contractual arrangements for services may be made with accredited private schools to provide services for individual students but public funds shall not be used to provide personnel which benefit private enterprise.

G. Preschool Funds

Preschool funds are formula funds which flow to the state on the basis of the number of handicapped children served, three through five years of age. The funds are meant to assist state and local agencies to provide educational services to young children birth through age five who are handicapped.

Some appropriate activities for the use of these funds are:

1. Providing special education and related services which include speech or language therapy, occupational therapy, physical therapy, and other related services.

2. Providing essential diagnosis and assessment for children birth through age five.

3. Providing transportation essential to the delivery of services.

4. Providing parents with child development information to promote development and early recognition of problems.

5. Assisting parents in the understanding of the special needs of a handicapped child.

6. Providing parent counseling and parent training, where appropriate, to enable parents to work more effectively with their children.

H. Child Count

The child placed in alternate settings may be included on a local education agency's child count when the child is appropriately served with an individualized education program that is developed, implemented and followed in accordance with state and federal standards. Paraprofessionals, parent trainers, and other support personnel may be employed to assist in implementation activities which are initiated and supervised by special education personnel.

I. Least Restrictive Environment Arrangements

In local education arrangements with Head Start and other integrated environments that serve handicapped and nonhandicapped preschool children, the local education agency should:

1. Assure that the facility is licensed;

2. Provide for special education personnel through Head Start or local education agency specialist;

3. Work out arrangements defining role and responsibilities;

4. Assure the implementation and follow through of individualized education program with ongoing evaluation and instruction.

5. Work with Head Start personnel to maximize the service delivery and cost effectiveness of services. Jointly plan the transition to public schools with local Head Start grantees; and

6. Count children placed in integrated settings on child count only when appropriately served by certified or licensed personnel for special education and related services.

7. In a joint agency service arrangement, the individualized education program shall be prepared in an appropriate team meeting with representatives from each agency. The Individualized Education Program should be coordinated with other service plans within an agency, e.g., Individual program plans for Head Start children which are developed by the lead teacher within the Head Start center.

VII. PROJECT ECHO (ENRICHING CHILDREN'S HEARING OPPORTUNITIES)

Because a deaf condition is not visible, it can be overlooked. Early identification is essential if a deaf child is to learn language, since language is learned normally by the age of three and one-half to four and one-half years.

Project ECHO is a statewide program for hearing impaired children from birth to six years of age that provides service which includes identification and a home intervention program which teaches parents to:

1. Manage their child's hearing aid
2. Teach their child to use the hearing he has
3. Develop a system of communication
4. Help develop language in the home

Parent/infant services include:

1. Family orientation
2. Weekly visits to the home by a trained parent advisor to teach auditory and language skills
3. Parent groups
4. Ongoing evaluation of child's auditory and language development
5. Staffings held semiannually to evaluate progress

Project ECHO Case Management Procedures

1. Initial referrals for Project ECHO services to families of hearing impaired children should be made to the state coordinator of Project ECHO.

2. Home visits will begin after evaluation and recommendation for approval by the coordinator. The superintendent of the local education agency in which the hearing impaired child is a legal resident will be notified by a letter from the Special Education Section of the State Department of Education. It will contain pertinent information and specific instructions on case management and reimbursement procedures.

3. Project ECHO parent advisors will be cooperatively selected, trained and assigned by joint efforts of the local education agency and State Department of Education.

Method of Reimbursement to LEA's for Project ECHO Expenses

1. Applications for reimbursement will be sent to the local education agency by the Special Education Section with the initial letter of notification. Completed applications based on monies paid to parent advisors as authorized by the state coordinator should be returned to the state Special Education Section on a quarterly basis.

2. Applications for reimbursement will be reviewed and checks mailed to the local education agency at the end of each quarter.

Requests for additional information should be directed to the state coordinator of Project ECHO.

VIII. REGIONAL EDUCATION SERVICE CENTERS AND SERVICES OFFERED

The regional education service centers are an integral part of the special education services provided by the State Department of Education. They, along with the Special Education Section, are uniformly administered by the associate state superintendent for federal/state programs.

Oklahoma's 20 regional education service centers were authorized and assigned services by the Oklahoma Legislature in Senate Bill No. 581 (1974) and Senate Bill No. 704 (1976). Each center is to provide the services mandated by law and state board action. Centers are to offer school districts professional assistance in a variety of efforts aimed toward the improvement of instruction for students. Each center is to provide core services which include, but are not limited to:

A. Student Appraisals

1. Conduct educational screening as mandated in Oklahoma Senate Bill 581 (The Prescriptive Teaching Act of 1974); Senate Bill 214 (Gifted and Talented Act of 1982); and House Bill 1466 (Education Improvement Act of 1985).

2. Provide diagnostic and evaluation service for students who are exhibiting learning problems and/or exceptionalities.

B. Media

1. Maintain an acquisition, cataloging and shelving operation for the purpose of providing a lending service (generally, loan periods will range from two weeks to a month).

3. Provide special education materials on a prescriptive basis to the classroom teacher who has students with learning problems.

C. Individualized Learning Plans

1. Provide prescriptive teaching plans to teachers for students having learning problems.

2. Provide consultation for educators and parents working with or having students with learning problems.

D. Staff Development

1. Assist in organizing and presenting workshops, conferences, institutes, and other inservice programs for educators working with students with special needs.

2. In these inservice programs, they emphasize the awareness, utilization and adaptation of appropriate materials, learning theory, research findings, and other topics.

3. Maintain good working relationships with teacher training institutions.

4. Provide technical assistance to school districts in developing inservice plans in conjunction with the statewide Comprehensive System of Personnel Development as required by federal mandate (Public Law 94-142).

E. Coordination of Educational Services

1. Assist in the improvement of present services for students.

2. Lead in the establishment of new education services.

3. Lead in curriculum development.

4. Promote interagency cooperation. To accomplish this, they conduct at least two regional interagency meetings per year. The interagency coordinator of the Special Education Section shall assist as appropriate in this effort.

The offices for these regional education service centers and counties served are:

ADA--Irving Community Center, 704 North Oak, Ada, OK 74820, 405/332-6314; Coal, Garvin, Pontotoc, and Seminole counties.

AFTON--P.O. Box 430, Afton Elementary, Afton, OK 74331, 918/257-4228; Craig, Delaware, Mayes, and Ottawa counties.

ALTUS--Robert E. Lee School, 600 West Pecan, Altus, OK 73521, 405/482-4197; Harmon, Jackson, Kiowa, and Tillman counties.

ALVA--1540 Davis, Alva, OK 73717, 405/327-0603; Alfalfa, Grant, Harper, Major, and Woods counties.

Tri-County Satellite (Woodward): 1023 10th Street, P.O. Box 668, Woodward, OK 73801, 405/254-3232; Dewey, Ellis, and Woodward counties.

ANADARKO--P.O. Box 1355, SW 6th & Kentucky, Anadarko, OK 73005, 405/247-6688; Caddo, Grady, and Stephens counties.

ARDMORE--#12 Broadlawn Village, Ardmore, OK 73401, 405/223-2459; Carter, Jefferson, Johnston, Love, Marshall, and Murray counties.

BARTLESVILLE--316 SW Seminole, Bartlesville, OK 74003, 918/336-3071; Nowata, Osage, Rogers, and Washington counties.

BURNS FLAT--P.O. Box 169, John Ross Elementary, Burns Flat, OK 73624, 405/562-3127; Beckham, Custer, Greer, Roger Mills, and Washita counties.

GUYMON--P.O. Box 1755, 8th & Academy Streets, Guymon, OK 73942, 405/3388-8901; Beaver, Cimarron, and Texas counties.

HUGO--P.O. Box 868, 215 East Kirk, Hugo, OK 74743, 405/326-5767; Atoka, Bryan, Choctaw, McCurtain, and Pushmataha counties.

KINGFISHER--courthouse Annex #202, 6th & Sheridan, Kingfisher, OK 73750, 405/375-7185; Blaine, Canadian, Kingfisher, and Logan counties.

LAWTON--Douglas Learning Center, Larrance and East Gore Blvd., Lawton, OK 73507, 405/357-7185; Comanche and Cotton counties.

MCALESTER--P.O. Box 298, 14th & Cherokee, McAlester, OK 74502, 918/423-6271; Haskell, Hughes, Latimer, McIntosh, and Pittsburg counties.

MOORE--404 North Chestnut, Moore, OK 73160, 405/799-4458; Cleveland, McClain, and Pottawatomie counties.

MUSKOGEE--570 North 6th Street, Muskogee, OK 74401, 918/683-3040; Cherokee, Muskogee, and Wagoner counties.

OKLAHOMA COUNTY--Monroe Elementary, 4810 North Linn, Oklahoma City, OK 73112, 405/947-6165; Oklahoma county.

SALLISAW--Kindergarten Complex, 603 East Choctaw, Sallisaw, OK 74955, 918/775-3722; Adair, LeFlore, and Sequoyah counties.

STILLWATER--Rosewood Hills, Suite #6, Box 10, 211 North Perkins Road, Stillwater, OK 74075, 405/624-1315; Kay, Noble, Pawnee, and Payne counties.

Garfield County Satellite (Enid)--831 East Oklahoma, Enid, OK 73701, 405/234-5951; Garfield county.

STROUD--Stroud Middle School, Gillespie Drive, P.O. Box 667, Stroud, OK 74079, 918/9968-2518; Creek, Lincoln, and Okfuskee counties.

TULSA--812 East Admiral, Suite 121, Tulsa, OK 74120-1449, 918/663-2112; Okmulgee and Tulsa counties.

IX. FUNDING

A. State of Oklahoma

1. State funds for the education of exceptional children are distributed as mandated by state law. Local districts receive funds based on a weighted pupil formula using the December 1, child count data.

2. Special service funds are available for certain special purposes such as homebound.

B. Federal

1. Federal legislation enacted in 1975 (Education for All Handicapped Children Act, Public Law 94-142) provides funds for special education and related services. EHA-B monies are awarded via a noncompetitive application based on the number of handicapped children served. Seventy-five percent of funds awarded to the State Department of Education by the U.S. Office of Special Education Programs are awarded to local education agencies upon receipt of approvable applications. Discretionary funds are also available to help local education agencies begin new special education programs on a priority basis.

Federal Requirements

1. The local school or cooperative program must:

   a. Generate a minimum of $7,500 through child count.

   b. Be of sufficient size and scope as determined by the State Department of Education to effectively meet the educational needs of handicapped children.

   c. Meet the excess cost requirements.

   d. Meet nonsupplanting requirements.

2. Nonsupplanting (34 CFR 300.230)

   a. Each local education agency application must provide assurance that the local education agency uses funds provided under Part B of the Act to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of handicapped children, and in no case to supplant those state and local funds.

   b. To meet the requirement in paragraph a. of this section:

      (1) The total average per capita amount of state and local funds budgeted by the local education agency for the current fiscal year for the education of handicapped children must be at least equal to the total average per capita amount of state and local school funds actually expended for the education of handicapped children in the most recent preceding fiscal year for which the information is available. Allowance may be made for:

         (a) Decreases in enrollment of handicapped children; and

(b) Usually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities; and

(2) The local education agency must not use Part B funds to displace state or local funds for any particular cost.

3. Local Education Agency use of EHA-B funds

The congressional intent inherent in Public Law 94-142 is that local education agencies be granted EHA-B funds to provide a free, appropriate, public education for all eligible handicapped children in the least restrictive environment. Local education agencies must provide the basic educational opportunity for handicapped children and EHA-B funds are to be used for the excess cost of operating special education programs.

Each local education agency must adhere to the excess cost requirement in funding identified unserved handicapped students, and underserved severely handicapped students in each handicapping category.

Application forms, guidelines, and inservice are provided by the State Department of Education on a yearly basis or as requested.

4. Public Law 89-313 (Chapter I) (Reserve Monies)

Public Law 89-313 funds are provided to state agencies for programs to meet the special education needs of handicapped children in state-operated or state-supported schools. In addition, funds are available to agencies and local education agencies through application procedures from the State Department of Education, Special Education Section.

5. Public Law 874 and Special Education

For those schools eligible for Public Law 874 (Impact Aid), there is additional money available for qualified special education students. These students are restricted to those living on Indian land, in tribal housing, or whose parents are in military service.

School administrators who need information on this should contact the School Plant Section of the State Department of Education.

X. COMPLAINT PROCEDURES

The Special Education Section provides technical assistance to parents, professionals, school districts, public agencies, and other organizations with responsibilities or interests in educating handicapped children. These activities facilitate implementation of special education and related services in compliance with state and federal requirements. Knowledge and awareness of parents rights and procedural safeguards are also enhanced through these activities. In many instances, clarification of applicable requirements, additional information, and consultation help school districts, parents, or other agencies to resolve differences and work more effectively together.

In addition to these ongoing services, the State Department of Education has available a formal complaint management system for specific complaints/allegations of violations by school districts, public agencies, the State Department of Education, or other responsible agencies.

Provisions for complaint procedures by state educational agencies are found in (34 CFR 76.780-76.783). Efforts to resolve problems by informal approaches prior to filing complaints are encouraged by the State Department of Education, but formal, written complaint procedures may be pursued by agencies or individuals when these efforts have not achieved satisfactory resolution.

A. **Complaint procedures are as follows:**

1. **Complaints shall be written and include (a) a statement that the responsible school district, agency, or State Department of Education has violated a requirement of a federal statute or applicable regulation; (b) the facts on which the statement is based; and (c) the signature of the individual or organization filing the complaint.**

2. **The Special Education Section will acknowledge, in writing, the receipt of the formal complaint within 15 calendar days. Copies of this written acknowledgment will be mailed to the involved parties and to the State Department of Education personnel with assigned responsibilities. Written notice of parent rights will be included.**

3. **Telephone calls and other contacts will be made to determine the circumstances and facts pertaining to the complaint. The parties involved may be requested to submit documentation such as copies of student records or other written verification of actions. Through these inquiries, the context and nature of the complaint will be more clearly defined.**

4. **If further information or review is deemed necessary by the State Department of Education, an on-site investigation will be conducted. The on-site might include activities such as reviewing records, observation of program implementation, and conducting interviews with staff and/or parents.**

5. **Follow-up activities to assist resolution of the complaint may include technical assistance, consultation, mediation conferences, or other recommended interventions.**

6. **After facts are gathered, the State Department of Education will report the findings in writing. The findings of fact will address whether the complaint of alleged violations is substantiated and will include instructions for correcting any substantiated violations. This information will be provided by the State Department of Education to the involved parties.**

7. **Complaint investigation and resolution shall be completed within 60 calendar days from receipt of the formal written complaint by the Special Education Section. Extensions of timelines may be granted only if exceptional circumstances exist regarding a specific complaint.**

8. **The complainant or either party may request the Secretary of the U.S. Department of Education to review the final complaint decision of the state educational agency.**

B. **<u>Substantiated Complaints/Violations and Possible Sanctions/Hearings</u>**

1. **When school districts or other responsible agencies are found to have violated state or federal requirements, necessary corrective actions will be outlined and provided with the State Department of Education written summary of findings. The school district or agency shall respond to the State Department of Education within timeframes delineated for the required corrective actions. Compliance cannot be assured until the**

corrective actions have been approved and verified by the State Department of Education.

2. Noncompliance with state and federal regulations for the education of handicapped children may result in (a) disapproval of applications for funds, (b) withholding of funds, (c) repayment of misspent or misapplied federal funds, (d) suspension or loss of accreditation, (e) other sanctions.

3. School districts or agencies receiving federal monies for educating handicapped children may request a hearing if they allege that any actions of the State Department of Education, in response to noncompliance findings, have violated state or federal statutes or regulations. The State Department of Education shall provide notice and opportunity for a hearing before sanctions are imposed.

4. Procedures for State Department of Education hearings to review such actions and make decisions in these matters shall be as provided in (34 CFR 76.401 and 76.783).

XI. DUE PROCESS HEARING AND APPEAL PROCEDURES

Introduction

Under the authority of the Education for All handicapped Children Act of 1975, Public Law 94-142, and 70 O.S. Supp. 1987, § 3-104, and the Oklahoma Administrative Procedures Act, 75 O.S. 1971, § 301 et seq., the Oklahoma State Department of Education in keeping with the constitutional rights and privileges accorded its citizens, does hereby establish the following policies and procedures to guarantee due process protection to children and their parents in regard to identification, evaluation and educational placement of a child. *Each public agency shall access the due process system established and implemented by the State Department of Education.*

A. Due Process Hearing

1. A major element of due process is that an opportunity is provided for the creation of a forum that will provide an objective review of the parent-school disagreement and ultimately produce an objective decision resolving the dispute. Regardless of the formal and informal steps leading to a hearing and the many procedural provisions that must be met in the hearing situation itself, the key concept is that the final decision of the hearing officer will be impartial.

2. A request for a due process hearing may be initiated at any time and the decision shall be rendered within 45 calendar days of the time the request was presented.

B. Who May Request a Hearing and for What Purpose?

1. Parents or guardians may request a hearing for any of the following reasons:

   a. To challenge the initiation of the identification, evaluation or educational placement of the handicapped or purported to be handicapped child.

   b. To challenge a change of the identification, evaluation, or educational placement of the handicapped, or purported to be handicapped, child.

c. To challenge the refusal of the local education agency to initiate or change the identification, evaluation, or educational placement of the handicapped, or purported to be handicapped, child.

d. To challenge the results of an educational evaluation on which an educational placement recommendation was made.

e. To challenge the present or recommended educational placement of their handicapped, or purported to be handicapped, child.

f. To challenge whether an educational program is free and/or appropriate for a handicapped, or purported to be handicapped, child.

2. The local education agencies may request a conference and/or hearing for any of the following reasons:

a. To challenge the refusal of a parent to give permission to test a child who is believed to be handicapped.

b. To challenge the refusal of a parent to give permission to place a handicapped child in a special education program.

c. To challenge the refusal of a parent to give permission to change or alter the identification, evaluation, or educational placement of a handicapped child.

C. How is a Request for a Due Process Hearing Initiated?

A request for a due process hearing may be initiated in the following manner:

1. Parents or guardians must present a written request for a hearing to the local school administrator stating the child's name, date of birth, current grade or class placement, and give the reasons for challenging the identification, evaluation, classification, or placement or appropriateness of the education of the child in question.

2. The local education agency must present a written request for a hearing to the State Department of Education, and must provide written notice to the parents, in the primary language of the home, informing them that they are filing a request for a hearing. This notice shall be sent by certified mail, return receipt requested, on the date the request for a hearing is filed with the State Department of Education.

D. The Hearing Officer

The term "impartial hearing officer" shall mean the appointment of a trained individual by the State Department of Education, Special Education Section, for the purpose of presiding at due process hearings.

It shall be the responsibility of the State Department of Education to ensure that the hearing officer assigned to a particular hearing is unbiased. Any party to a due process hearing may challenge the assignment of a particular hearing officer. It shall be the responsibility of the State Department of Education to assign a new hearing officer to the case upon a showing that the appointed hearing officer is biased or other good cause.

E. Decision of the Hearing Officer

The decision of the hearing officer shall include findings of fact, reasons thereof, and conclusions thereon.

The decision of the hearing officer shall state that this decision is binding upon the parents or the child, if over the age of majority and upon the local education agency, its officers, employees, and agents, subject to procedures for administrative or judicial appeal, and that any questions regarding appeal procedures may be directed to the State Department of Education, Special Education Section, Hodge Education Building, Oklahoma City 73105-4599. A statement of the procedures to be used for appealing such decision shall be included in the decision.

F. Conduct of Administrative Appeals

Appeals must be initiated by a parent or by the local education agency and must be made within 30 calendar days after receipt of the decision. The appeal of a decision of the hearing officer will be reviewed by the State Board of Education's impartial designee. Each appeal officer will meet the same qualifications required of all hearing officers. All requests for appeals should be mailed to the Oklahoma State Department of Education, Special Education Section. This section shall ensure that not later than 30 calendar days after the receipt of a request for a review, a final decision will be reached and a copy of the decision mailed to each of the parties.

If there is an appeal, the State Department of Education shall conduct an impartial review of the hearing. The official conducting the review shall:

1. Examine the entire hearing record;

2. Ensure that the procedures at the hearing were consistent with the requirements of due process;

3. Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in (34 CFR 300.508) apply;

4. Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;

5. Make an independent decision on completion of the review; and

6. Give a copy of written findings and the decision to the parties.

7. The decision made by the reviewing official is final, unless a party brings a civil action under (34 CFR 300.512).

Each public agency shall access the due process system established and implemented by the State Department of Education.

G. Extension of Time

A due process hearing officer or appeal officer may grant a specific extension of time beyond the periods set out at the request of either party, i.e., the 45 calendar days for a hearing and the 30 calendar days for an appeal.

Note: Upon request for a due process hearing, the Special Education Section will send both parties (school/parent) the *Guidelines for Parents and School Administrators, Due Process in Special Education* manual giving the details of each party's rights, responsibilities, and procedures of the hearing..

XII. STATE EDUCATION AGENCY MONITORING PROCEDURES

Each local education agency will submit annually through Part I of the local education agency application a list of all public/private agencies, institutions, and organizations within the boundaries of the school district which are responsible for providing special education programming. Based on this information, the State Department of Education will conduct annual comprehensive monitoring of one third of the state's local education agencies including all appropriate agencies within these districts. In addition, certain local education agency documents will be monitored off-site.

State Department of Education monitoring procedures will document the following:

1. The effectiveness of procedures undertaken to identify, locate and evaluate handicapped children [34 CFR 300.128 (a) (5)].

2. Implementation of individualized education programs [34 CFR 300.130 (b) (2)]

3. Compliance with procedures for placing handicapped children in private schools [34 CFR 300.402 (a)] and

4. Placement of handicapped children to assure compliance with the requirements of [34 CFR 300.500-300.555] [300.556].

Documentation of compliance in these areas will be accomplished in the process of completing the State Department of Education revised and expanded monitoring instrument. This instrument will be completed utilizing pre-site and on-site information.

Enforcement of any obligations imposed on agencies, institutions, and organizations responsible for carrying out special education programming will be implemented as outlined in "Responsibility of State Department of Education for All Educational Programs" component of the 1988-90 State Plan.

<u>Follow-Up/Corrective Action Plan</u>

An agency will be required to submit a "corrective action plan" to the State Department of Education within 30 days of receipt of the written monitoring report. This plan will include a description of the steps which provides for:

1. The elimination of any past effects of a deficiency;

2. The prevention of any similar deficiency in the future;

3. The description of each action the agency will take to correct identified deficiencies and achieve future compliance, including adequate inservice training where appropriate (indicating dates, topic(s) and attendees);

4. Documentation to verify the initiation and completion of those actions needed to assure correction of current deficiencies and prevention of future ones;

5. The time frame for achieving full compliance.

The agency "correction action plan" is subject to approval by the State Department of Education. Where necessary, technical assistance will be provided to agencies to aid in implementation of the plan. Verification of the corrective actions of the agency will occur in a variety of ways, depending upon the nature of the deficiencies. Some examples may include:

- Continuous contact with State Department of Education technical assistance staff;
- Follow-up on-site visitation by State Department of Education personnel
- Final report submitted by agency to officials.

6, An agency is entitled to an opportunity for a hearing with respect to identified deficiencies within ten days of receipt of the evaluation report.

Enforcement

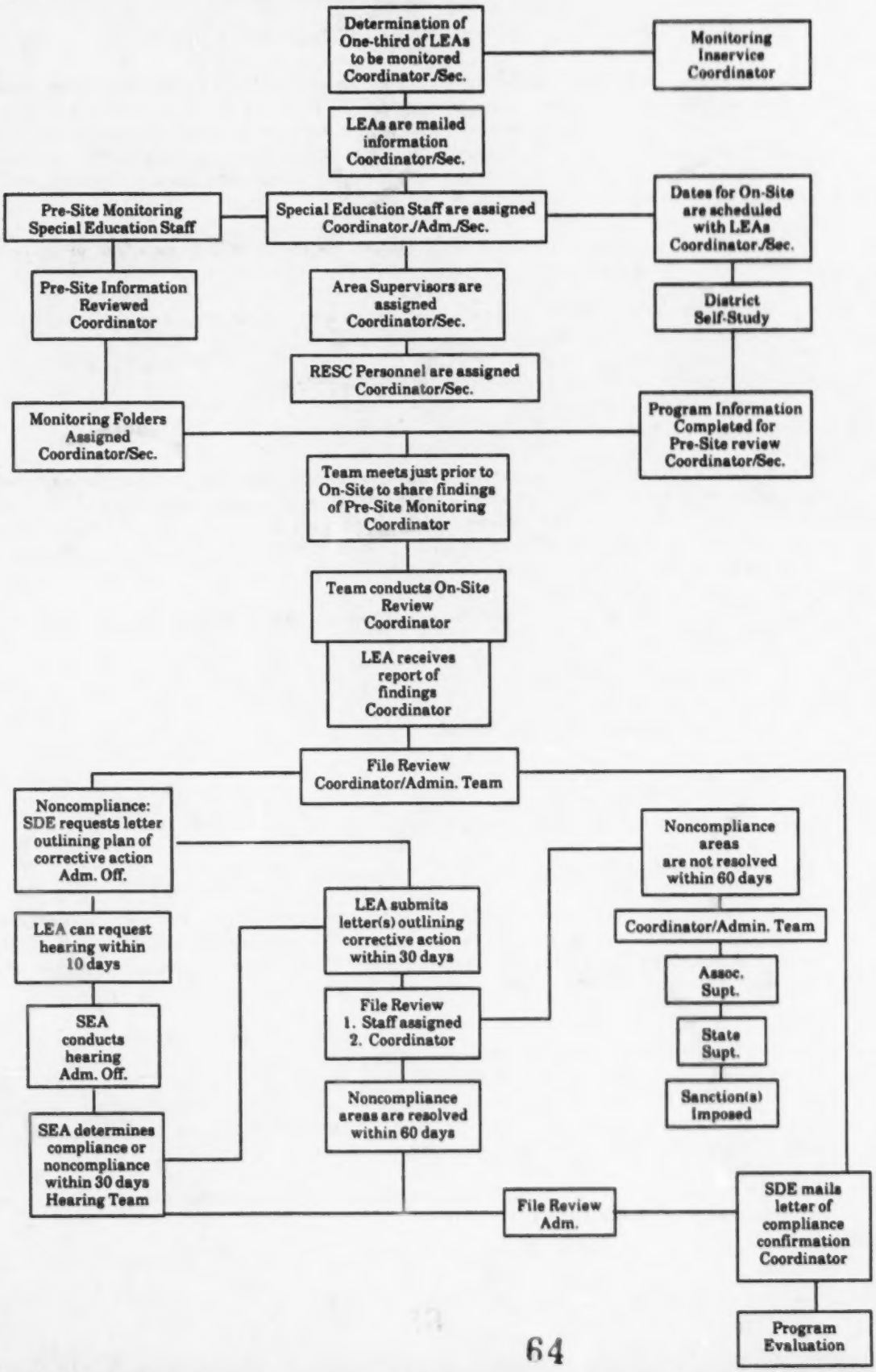
Sanctions for failure to correct an identified deficiency will be determined by the State Department of Education and shall be based upon the individual area of noncompliance. The time periods in which these sanctions will be imposed shall be at the discretion of the State Department of Education.

1. Noncompliance with state and federal regulations for education of handicapped children may result in (a) disapproval of applications for funds, (b) withholding of funds, (c) repayment of misspent or misapplied federal funds, (d) suspension or loss of accreditation, (e) other sanctions.

2. School districts or agencies receiving federal monies for educating handicapped children may request a hearing if they allege that any actions of the State Department of Education, in response to noncompliance findings, have violated state or federal statutes or regulations. The State Department of Education shall provide notice and opportunity for a hearing before sanctions are imposed.

3. Procedures for State Department of Education hearings to review such actions and make decisions in these matters shall be as provided in (34 CFR 76.401 and 76.783).

SPECIAL EDUCATION MONITORING FLOW-CHART


Determination of One-third of LEAs to be monitored Coordinator./Sec.
Monitoring Inservice Coordinator
LEAs are mailed information Coordinator/Sec.
Pre-Site Monitoring Special Education Staff
Special Education Staff are assigned Coordinator./Adm./Sec.
Dates for On-Site are scheduled with LEAs Coordinator./Sec.
Pre-Site Information Reviewed Coordinator
Area Supervisors are assigned Coordinator/Sec.
District Self-Study
RESC Personnel are assigned Coordinator/Sec.
Monitoring Folders Assigned Coordinator/Sec.
Program Information Completed for Pre-Site review Coordinator/Sec.
Team meets just prior to On-Site to share findings of Pre-Site Monitoring Coordinator
Team conducts On-Site Review Coordinator
LEA receives report of findings Coordinator
File Review Coordinator/Admin. Team
Noncompliance: SDE requests letter outlining plan of corrective action Adm. Off.
Noncompliance areas are not resolved within 60 days
LEA submits letter(s) outlining corrective action within 30 days
Coordinator/Admin. Team
LEA can request hearing within 10 days
Assoc. Supt.
File Review 1. Staff assigned 2. Coordinator
State Supt.
SEA conducts hearing Adm. Off.
Noncompliance areas are resolved within 60 days
Sanction(s) Imposed
SEA determines compliance or noncompliance within 30 days Hearing Team
File Review Adm.
SDE mails letter of compliance confirmation Coordinator
Program Evaluation

XIII. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD)

[34 CFR 300.380-387] of the regulations for Public Law 94-142 require the State Department of Education to design and implement an ongoing CSPD. The purpose of such a system is to coordinate all personnel preparation activities within the state to ensure the number and type of personnel needed to provide special education and related services to all identified handicapped children are *available* and are *qualified* to provide the free, appropriate, public education guaranteed by state and federal law.

The basic concept inherent in CSPD is "participatory planning" by personnel of agencies listed below:

1. State Department of Education (special education and regional education service centers)
2. Local education agencies
3. Teacher training colleges and universities
4. Other agencies providing services to handicapped children
5. Parents of handicapped children
6. Professional organizations

To ensure the effective implementation of a comprehensive system of personnel development at the district level, an administrative structure is used that assigns the primary responsibility for the system to personnel at the district level. As part of each local education agency district plan for EHA-B, a local education agency must have a comprehensive system of personnel development committee with the specific responsibilities listed below:

1. Using a State Department of Education instrument, conduct an annual needs assessment to identify:

   a. Inservice training needs
   b. Retraining needs
   c. New special service personnel needs

2. Prioritize training/retraining needs

3. Develop an annual CSPD training plan

4. Implement the plan, monitor activities and evaluate

To assist local districts in implementing their CSPD training plan, the Special Education Section makes funds available each year to support training activities. These funds should assist the implementation of district training plans. The amount varies depending on the December 1 child count and availability of federal funds.

With the enactment of House Bill 1706, additional staff development funds and opportunities are available to local personnel. Although CSPD training is restricted to improving special education capabilities, a district may meet the requirements of House Bill 1706 by expanding the existing CSPD committee through the addition of extra teachers to make a majority of the membership instructional staff. This two-in-one approach allows an interface that can produce a high degree of cost effectiveness in terms of man-hours and dollars.

For further information on CSPD, contact the State Department of Education, Special Education Section, 405/521-3351.

XIV. SPECIAL EDUCATION FORMS

SDE Form 1

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Instruction

Confidential Record

Student _____

Birthday _____ Sex: Male _____ Female _____

The following persons have accessed these records:

Signature	Purpose	Date

SDE Form 2
(1 of 2)

STATE DEPARTMENT OF EDUCATION

John M. Folks, State Superintendent of Public Instruction
Regional Education Service Center

REFERRAL FOR EVALUATION

Name of Student _____ Address _____

City _____ Zip _____ Phone _____

Birthdate _____ Age _____ Sex _____ School _____ Grade _____

Circle grade(s) repeated: K 1 2 3 4 5 6 7 8 9 10 11 12 None

_____ _____
Mother's/Guardian's/Surrogate Parent's Name | Street | City | Zip | Phone: Home/Work

_____ _____
Father's/Guardian's/Surrogate Parent's Name | Street | City | Zip | Phone: Home/Work

Reason for Referral:

State reason for referral: _____

_____

Give specific information about:

Work habits/attention: _____

_____

Academic performance: _____

_____

Classroom behavior/interactions (teacher observations) _____

_____

Supplemental aids and services used, or attempted, in the regular classroom: _____

_____

If supplemental aids and services are not being used, or will not be attempted, in the regular classroom state why:

_____

To expedite evaluation procedures this form should be filled out in its entirety and provided to the agency that will be conducting the evaluation along with a signed permission to test form.

Referring Person: _____ Position: _____

Date _____

If this referral is for a potentially gifted student omit page 2 of this form.

Educational Data: (2 of 2)

Attended Kindergarten: Yes_____ No _____ **If attending Kindergarten:** a.m. _____ p.m. _____

If attending Vo-Tech: a.m._____ p.m. _____

List programs attended:

Special Education _____ **Remedial/Other** _____

Previous schools attended: _____

Please indicate any recent group/individual tests that have been given in these areas. For areas in which achievement test scores are not available, check classroom performance in appropriate column.

S-Satisfactory U-Unsatisfactory	Date	Test	Achievement Level	Classroom Performance	
				S	U
1. Oral Expression					
2. Listening Comprehension					
3. Written Expression					
4. Basic Reading Skills					
5. Reading Comprehension					
6. Mathematic Calculation					
7. Mathematic Reasoning					

Previous Evaluations: Date Test Given Agency

_____ _____ _____

_____ _____ _____

Language/Communication Data:

Child's native language/mode of communication _____

Speech/language problems: Yes _____ No _____ Describe_____

Receiving speech/language therapy: Present _____ Previous _____ None _____

Health Data:

Hearing problems: Yes _____ No _____ Describe _____

Date of last hearing test/screening _____ Results _____

Visual problems: Yes _____ No _____ Describe_____

Date of last visual test/screening _____ Results _____

Describe any physical limitations or motor impairments _____

_____

Other pertinent medical or developmental information _____

_____

List medication taken regularly _____ Reason _____

Additional Considerations:

Each school district/public agency is required by P.L. 94-142 to document **social or cultural background information and adaptive behavior functioning** for eligibility/placement decisions. Information on methods of assessing adaptive behavior is available from your RESC or the Special Education Section of the State Department of Education.

SDE Form 3
(1 of 3)

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Public Instruction
Regional Education Service Center
PARENT PERMISSION FORM

Dear Parent/Guardian/Surrogate Parent:

I would like to refer _____ _____
Child's Full Name Date of Birth

to be evaluated to assist in determining the most appropriate educational program to meet the educational needs of this child.

Options considered and rejected: _____

Areas of concern: _____

_____ _____
Teacher/Referrer Date

In this evaluation process, it will be necessary to share personally identifiable information regarding the child and educational performance. A qualified person will administer tests in areas related to the child's suspected disability/exceptionality as part of the evaluation made by a multidisciplinary team. The name and description of tests that may be appropriate for this child, as well as your rights, are included with this notice. These should be clearly understood before your consent is given. If permission is granted, you will be notified upon completion of the testing to discuss the results of the evaluation. Contact the person below if you have any questions. Thank you for your assistance.

Signed: _____
School/Public Agency Official Date

_____ _____ _____ _____
Phone Number Building Name Address Zip

I understand the reasons for this referral, the description of the evaluation process and the parent rights listed on the back of this form. I do give my permission for the above services. Also, I understand the protocol may be destroyed sixty (60) days after the evaluation unless questioned.

_____ _____
Parent/Guardian/Surrogate Parent Date

_____ _____
Address City

_____ _____
Phone Number Zip

Please sign, keep the pink copy, and return the other copies to the above official.

School/Public Agency Use Only:

Notice sent by: U.S. Mail _____

Personal Delivery _____ Date Delivered _____

Translation/interpretation needed: Yes _____ No _____

If yes, specify how and when provided: _____

White copy - RESC Yellow Copy - Schools Pink copy - Parents

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION

As the parent/guardian/surrogate parent of a child who is receiving a formal evaluation and/or special education services, you have certain rights according to state and federal regulations. They are explained below in abbreviated form. If you have questions about special education services for your child or about these rights, please contact the State Department of Education, Special Education Section, 405/521-3351, or your local school/public agency.

RECORDS--You have the right to: (1) inspect and review your child's education records which shall be maintained confidentially at all stages; (2) ask for an explanation of any item in the records; (3) have a representative inspect and review the records; (4) request copies of records; the school /public agency may charge reasonable fees for copies but fees may not prevent the right to access; (5) be informed, on request, of locations of records being collected or used; (6) ask for an amendment of any record you feel is inaccurate, misleading, or violates privacy rights; (7) request a hearing if the school/public agency does not voluntarily amend records about which you have concern; (8) give or withhold consent to disclose your child's records; (9) be informed of persons that have accessed the records; (10) be informed before information in your child's file is to be destroyed.

CONSENT--Your consent must be given prior to an evaluation and before initial placement is made in special education. You may withhold or revoke consent at any time, understanding that in such cases the school/public agency has the right to request a hearing to determine if your child should be evaluated or placed in a special education program.

PROTECTION IN EVALUATION PROCEDURES--Testing and evaluation materials shall: be provided and administered in your child's native language or other mode of communication, unless it is clearly not feasible to do so; be validated for the specific purpose for which they are used; and be administered by trained personnel in conformance with the instructions provided by their producer. No single procedure will be used as the sole criterion for determining an appropriate educational program for your child and the evaluation will be made by a multidisciplinary team or group of persons, including one teacher or other specialist with knowledge in the area of suspected disability. Your child will be assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. You have the right to receive a description of each evaluation procedure, test, record, or report the school/public agency uses in this process. You have the right to have a reevaluation conducted for your child every three years or more often if warranted of if you or your child's teacher requests it.

INDEPENDENT EVALUATION--You have the right to: (1) be informed where an independent evaluation may be obtained; (2) be informed of the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained; (3) an independent evaluation at public expense if the school's/public agency's evaluation is determined to be inappropriate; (4) have the independent evaluation considered when placement and program decisions are made.

LEAST RESTRICTIVE ENVIRONMENT--You have the right to: (1) have your child educated with nonhandicapped children to the maximum extent appropriate; (2) have your child educated in the regular educational environment unless the nature or severity of your child's handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; (3) have a continuum of alternative placements available for consideration; (4) have placement in the school your child would attend if nonhandicapped unless the individualized education program requires some other arrangement; (5) have your child provided an equal opportunity to participate in nonacademic and extra-curricular services and activities; (6) have consideration be given to any potential harmful effect on your child or on the quality of services your child needs.

INDIVIDUALIZED EDUCATION PROGRAM (IEP): You have the right to know that the local school/public agency shall give you the opportunity to participate in IEP development and all IEP reviews for your child. (300.345)

HEARING--You have the right to: (1) request an impartial due process hearing to question the identification, evaluation or placement of your child, or to question the provision of a free appropriate public education; (2) have a hearing decision from a state appointed hearing officer; (3) be told of any free or low-cost legal and other relevant services available; (4) see a statement of the qualifications of the hearing officer; (5) be advised and accompanied at the hearing by counsel and/or individuals with special knowledge or training in problems of the handicapped; (6) have your child present; (7) have the hearing open or closed to the public; (8) present evidence and confront, cross-examine, and compel the attendance of witnesses; (9) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; (10) have a written or electronic verbatim record of the hearing; (11) obtain written findings of fact and a written decision within 45 days after the State Department of Education receives the initial request for the hearing; (12) request an appeal of the hearing decision; (13) appeal in court a decision from the appeal hearing officer; (14) have your child remain in his or her present educational placement while the administrative proceedings are pending, unless you and the school/public agency agree otherwise; (15) request that certain fees incurred by you during these proceedings be paid by the school/public agency should you "prevail" in such proceedings, subject to the provisions of the Handicapped Children's Protection Act of 1986.

HOW TO REQUEST A DUE PROCESS HEARING--A request for a due process hearing must be in writing, addressed to the local school administrator, and include: your child's name, date of birth, current grade or class placement, and the reason for challenging the identification, evaluation, placement or appropriateness of the education for your child. A copy of this request must also be mailed to the State Department of Education, Special Education Section, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

SDE Form 3
(3 of 3)

STATE DEPARTMENT OF EDUCATION
PARENTS RIGHTS IN SPECIAL EDUCATION
Continued

EDUCATIONAL TESTING INFORMATION

Evaluations conducted by Regional Education Service Center personnel will be in areas related to the child's suspected disability/exceptionality. The minimum educational evaluation will include:

I. Measures of Intelligence
Wechsler Scales: WPPSI or WISC-R or WAIS-R

II. Measures of Achievement and Knowledge
Woodcock-Johnson Psycho-Educational Battery
Woodcock Language Proficiency Battery
Peabody Picture Vocabulary Test - Revised

III. Measures of Information Processing and Perceptual Impairment
Bender-Gestalt Test or Beery Test of Visual Motor Integration or Visual Aural Digit Span Test (VADS)
Wepman (Auditory Discrimination) or Goldman-Fristoe-Woodcock (Auditory Discrimination) or Visual Aural Digit Span Test (VADS)

Additional evaluation instruments may be administered at the discretion of the examiner. These instruments may include:

I. Measures of Intelligence and Development
Hiskey-Nebraska Test of Learning Aptitude
Leiter International Scales
McCarthy Scale of Children's Abilities
Stanford-Binet Intelligence Scale
Gesell
Bayley
Cattell
KABC
Human Figure Drawing

II. Measures of Achievement and Knowledge
Wide Range Achievement Test
Peabody Individual Achievement Test
Stanford Achievement Test Listening Comprehension
Brigance Inventories

School/public agency personnel utilizing evaluation instruments other than those listed above must provide a list and description of each below.

SDE Form 4
(1 of 6)

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Public Instruction
Regional Education Service Center

EDUCATIONAL EVALUATION

Reevaluation Due _____

Name _____ Date of Test _____

Grade _____ Teacher _____ Date of Birth _____

School _____ Chronological Age _____

Examiner _____ RESC _____

I. Measures of Intelligence and Development

Wechsler Intelligence Scales: WPPSI _____ WISC-R _____ WAIS-R _____

SCALED SCORES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
1. Information																				Info. from experience, education, long-term memory
2. Similarities																				Verbal reasoning, abstract thinking, categorization
3. Arithmetic																				Concentration, arithmetic reasoning
4. Vocabulary																				General expressive word knowledge, verbal fluency
5. Comprehension																				Practical knowledge, social judgment
6. Digit Span																				Attention, short-term auditory memory
7. Sentences (alt. only)																				Rote, immediate memory, sequencing, concentration
1. Picture Completion																				Visual alertness, visual memory
2. Picture Arrangement																				Social awareness, visual comprehension, sequencing
3. Block Design																				Non-verbal problem solving, perception
4. Object Assembly																				Eye-hand assembly skills
5. Coding/Digit Sym.																				Speed of eye-hand coordination, visual memory
6. Mazes																				Planning, following visual pattern
7. Animal House																				Assoc., motor control, speed & accuracy of learning
8. Geometric Designs																				Visual, perceptual, motor ability
9. Animal House Retest																				Reflects learning ability, not computed in IQ scores

-SUBNORMAL- -AVERAGE- -SUPERIOR-

Verbal IQ _____ Performance IQ _____ Full Scale IQ _____ ± Full Scale %ile _____

Other Tests: Test _____

Mental Age _____ _____

IQ _____ _____

Developmental Age _____ _____

Mental Age Level _____ _____

Motor Age Level _____ _____

Level of Mental Ability _____

Academic Functioning

	Date	Test	Standard Score Achievement		
			Expected	Actual	Discrepancy
1. Oral Expression					
2. Listening Comprehension					
3. Written Expression					
4. Basic Reading Skills					
5. Reading Comprehension					
6. Mathematic Calculation					
7. Mathematic Reasoning					

II. Measures of Achievement and Knowledge
Woodcock-Johnson Psycho-Educational Battery (WJPEB)
Woodcock-Johnson Language Proficiency Battery (WLPB)

Individual Subtests:

	GRADE EQUIVALENT	AGE EQUIVALENT	INSTRUCTIONAL RANGE	
			EASY	DIFFICULT
Letter Word Identification				
Word Attack				
Passage Comprehension				
Calculation				
Applied Problems				
Dictation				
Proofing				
(P) Punctuation & Capitalization				
(S) Spelling				
(U) Usage				

Cluster Scores:

CLUSTER	GRADE EQUIVALENT	INSTRUCTIONAL RANGE		AGE SCORE	%ILE	STANDARD SCORE
		EASY	DIFFICULT			
Reading						
Mathematics						
Written Lang.						

Woodcock Language Proficiency Battery (WLPB)

Individual Subtests:

	GRADE EQUIVALENT	AGE EQUIVALENT	INSTRUCTIONAL RANGE	
			EASY	DIFFICULT
Picture Vocabulary				
Antonym/Synonym				
Analogies				

Cluster Scores:

CLUSTER	GRADE EQUIVALENT	INSTRUCTIONAL RANGE		AGE SCORE	%ILE	STANDARD SCORE
		EASY	DIFFICULT			
Oral Lang						

Peabody Picture Vocabulary Test-Revised

Standard Score _____

Age Equiv. _____ Form _____

%ile Rank _____

Stanford Achievement Test Listening Comprehension

%ile _____ Standard Score _____ Grade Equiv. _____

Other Achievement Test Data

TEST	SUBTEST	GRADE LEVEL	STANDARD SCORE	%ILE RANK

III. Measures of Information Processing and Perceptual Functioning

Bender-Gestalt Test

Visual-motor age _____

Normal error range _____

Standard Score _____ Koppitz error score _____

Beery Test of Visual Motor Integration

Age Equiv. _____

Wepman (Auditory Discrimination) Form _____

Validity _____ Score _____

Classification _____

Visual Aural Digit Span Test (VADS)

%ile _____ Age Equiv. _____

Strengths: _____

_____

Weaknesses: _____

_____

Goldman-Fristoe-Woodcock (Auditory Discrim.)

Quiet Subtest %ile _____ # of errors _____

Noise Subtest %ile _____ # of errors. _____

NOTE: State and federal timelines require a TEAM meeting within 15 days of receipt of this evaluation to determine categorical eligibility. The student's confidential file should be checked for any additional information to be considered when determining eligibility for special education, such as: tests administered by the school, classroom behavior, health data, social or cultural background, and adaptive behavior. (SDE Form 5 must be completed if considering for LD, and SDE Form 8 must be completed for all categories, including LD).

This space may be utilized for the evaluator to address concerns such as strengths, weaknesses, suggestions, etc.

Additional space on next page. Signature is required on page 72.

Additional space for evaluator to address concerns such as strengths, weaknesses, additional information, suggestions, etc.

Date _____ **Examiner (Signature)** _____

When completed, this form should be sent to the eligibility team for their consideration.

SDE Form 4
(5 of 6)

CHECKLIST OF DIFFICULTIES

Name_____ Grade_____ Date_____

Suggested remediation techniques and ideas can be found in the RESC Prescriptive Handbook as follows: "VI: 4-7" means Section VI, pages 4-7.

Materials to assist instruction are available for checkout at the RESC.

Items checked refer to specific teaching techniques and ideas, but are not intended for use as diagnostic or placement criteria.

ORAL EXPRESSION

_____ Picture vocabulary (III: 17, 22) (VI: 15, 33)
_____ Antonyms (III: 33) (VI: 65)
_____ Synonyms (VI: 66)
_____ Analogies (III: 34, 35) (XIX: 4-6)
_____ Sentence structure (III: 20-25)
_____ Syntax (III: 30-39)
_____ Articulation and fluency (III: 37-46) (VI: 23)

LISTENING COMPREHENSION

_____ Auditory memory (VI: 21-58) (XIX: 16-19)
_____ Receptive vocabulary (III: 26)
_____ Auditory discrimination (IV: 40-46)
_____ Understanding direction (III: 27-29) (IV: 24, 25, 52-57)
_____ Auditory attention span (IV: 3) (XIX: 16-19)
_____ Needs questions/directions repeated often (VI: 54)
_____ Sequence of events (VI:17 (XIX: 20-22 (IV: 54)

WRITTEN EXPRESSION

_____ Upper/lower case letters (VI: 59, 60)
_____ Spelling (VII: 1-15)
_____ Punctuation/capitalization
_____ Abbreviations
_____ Word usage--tense/plurals (VI: 59-68)
_____ Legibility (I: 34-56)
_____ Reversals--letters/words (I: 11-14, 45)
_____ Incorrect pencil grasp (I: 49-51) (VII: 11)
_____ Left-handed with writing difficulty (I: 40-42)

BASIC READING SKILLS

_____ Reading readiness (VI: 1-6) (X: 29, 30)
_____ Identifying letters of the alphabet (VII: 1-4)
_____ Addition of letter sounds in words (VI: 8) (VII: 1-14)
_____ Omission of letter sounds in words (VI: 8)
_____ Syllabication (VI: 28)
_____ Reversals (VI: 13, 14, 21)
_____ Sight word vocabulary (VI: 7, 15, 35, 69-79)
_____ Word attack--phonics--decoding (VI: 19, 26-51)
_____ Vowel sounds--long/short (VI: 26-31)
_____ Diphthongs--vowels in combinations (VI: 9-16)
_____ Consonant sounds (VI: 15, 47) (VII: 4)
_____ Silent letters (VI: 28)

READING COMPREHENSION

_____ Difficulty with "cloze" comprehension--ability to fill in a missing word in a passage (VI: 2)
_____ Context clues (VI: 17)
_____ Recall of main ideas (VI: 17, 21, 53)
_____ Low reading vocabulary limits comprehension (III: 22-25) (VI: 33, 34) (XIX: 10-14)
_____ Ability to grasp implied meanings (VI: 21)

MATH CALCULATION

_____ Arithmetic readiness (VIII: 1-5) (X: 20-23)
_____ Counting objects 1-12 (VIII: 4, 5) (X: 20-23)
_____ Addition facts (VIII: 6, 12-14)
_____ Adding columns of numbers (VIII: 12-15, 19)
_____ Regrouping in addition--carrying (VIII: 19)
_____ Subtraction facts (VIII: 6, 15, 16)
_____ Regrouping in subtraction--borrowing (VIII: 19)
_____ Regrouping in subtraction across a zero
_____ Multiplication/division facts (VIII: 6-16, 19)
_____ Multiplication operations (VIII: 6, 16-19)
_____ Division operations (VIII: 6, 16-19)
_____ Fractions--addition, subtraction, multiplication, division (VIII: 28-30)
_____ Decimals (VIII:37)
_____ Needs practical consumer math skills (VIII: 37)

MATH REASONING

_____ Solving problems involving time (VIII: 8, 27) (XIX: 10)
_____ Concept of fractional parts (VIII: 28-30)
_____ Money values (VIII: 4, 7, 27) (XIX: 10)
_____ Solving measurement problems (VIII: 3, 27, 37) (XIX: 10)
_____ Solving problems without the use of pencil and paper (XIX: 6-10)
_____ Solving percentage problems (VIII: 37)
_____ Applying appropriate concepts to solve problems (VIII: 7-10, 22)
_____ Solving word problems involving more than one math function (VIII: 37)
_____ Solving problems involving map mileage (VIII: 37)

INTELLECTUAL AND VISUAL-MOTOR

_____ Information (XIX: 3, 4)
_____ Similarities (XIX: 4-6)
_____ Arithmetic (XIX: 6-10)
_____ Vocabulary (XIX: 10-14)
_____ Comprehension (XIX: 14-16)
_____ Digit span/sentences (XIX: 16-19)
_____ Visual-motor perception/integration (I: 23-32)
_____ Laterality/directionality (I: 2-21)
_____ Picture completion (XIX: 19, 20)
_____ Picture arrangement (XIX: 20-23) (VI: 17)
_____ Block design (XIX: 23-24)
_____ Object assembly (XIX: 25-27)
_____ Coding/digit symbol/animal house (XIX: 27-29)
_____ Mazes (XIX: 30)
_____ Geometric designs (I: 23-32) (V: 22-24)

MISCELLANEOUS

_____ Early childhood (X: 1-26)
_____ Learning disabled (XI: 1-17)
_____ Slow learner (XII: 1-3)
_____ EMH (XII: 5-30)
_____ TMH (XII: 32-36)
_____ Gross motor (II: 1-11)
_____ Bilingual (XIV: 1-7)
_____ Mainstreaming (XVI: 1-6)
_____ Classroom management (XVII: 1-9)
_____ Medical aspects (XVIII: 1-13)

COMMENTS _____

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Instruction

Learning Disabilities--Eligibility Team Summary

Name_____ Date_____

DOB_____ Grade Placement_____ School_____

1. Summary of observation of academic performance/behavior in the regular class or age appropriate environment by a team member other than the child's regular teacher:

_____

_____ _____
Observer

2. The relationship of observed behavior to the child's academic performance. _____

_____

3. Educationally relevant medical findings:

_____

_____

4. A significant discrepancy exists between ability and the following achievement areas:

_____ Listening Commprehension
_____ Oral Expression
_____ Basic Reading Skills
_____ Reading Comprehension
_____ Written Expression
_____ Mathematics Calculation
_____ Mathematics Reasoning

5. Basis for making discrepancy determination:

_____

_____

6. Is there evidence of a severe discrepancy between ability and achievement which is not correctable without special education and/or related services: _____Yes _____No

7. *Ruled out as primary cause: (X)

____a. Physical/Sensory Handicaps
____b. Mental Retardation
_____c. Emotional Disturbance
_____d. Environmental, cultural, economic, disadvantaged

*If not ruled out, the child is not eligible for learning disabilities placement.

8. Student's Name:_____
_____does _____does not meet the criteria to qualify as learning disabled.

_____ Agree_____ **Disagree_____
Classroom Teacher

_____ Agree_____ **Disagree_____
Qualified Examiner

_____ Agree_____ **Disagree_____
Learning Disabilities Teacher

_____ Agree_____ **Disagree_____
Other Specialist

_____ Agree_____ **Disagree_____
Other Specialist

**If the team member disagrees he/she must submit a separate statement presenting his/her conclusions.

SDE Form 6
(1 of 2)

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Instruction
NOTIFICATION OF MEETING

To: _____ Address _____
Parent/Guardian/Surrogate Parent

_____
City State Zip Code Phone

Name of Child _____ Birthdate _____

School _____ Grade _____

We would like to meet with you at _____
Location Address

on _____ at _____ to discuss your child's:
Date Time

_____ Comprehensive Evaluation _____ Reevaluation and Review of Placement/IEP

_____ Review of Placement/IEP _____ Other _____

This conference will provide an opportunity to discuss your child's educational program and any changes that may be necessary for provision of appropriate services. You may ask anyone you wish to attend. Please review the following **proposed** action which appears to be appropriate and will be discussed with you at this meeting:

_____

_____. Please also review the

following options which were considered and why they do not appear to be appropriate: _____

_____.

The people indicated below, by position, will be in attendance:

Name	Position	Name	Position
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please contact the person at the address or phone number below by ___/___/___ as to whether you can meet with us at the time and place suggested or if other arrangements convenient for you should be made. As the parent of a child who has been formally evaluated and/or is receiving special education services, you have certain **rights** which are explained on the back of this form. Please review them carefully. Your child's educational program and services will not be changed without your prior notification and/or consent. If you have questions about your rights, or this notice, please contact the person below.

SIGNATURE _____
School/Public Agency Designee Address Phone No. Date

SCHOOL/USE ONLY: Notice sent by: _____ U.S. Mail _____ Personal Delivery on _____

Translation/Interpretation needed: _____ NO _____ Yes. If yes, specify how and when provided _____

_____

STATE DEPARTMENT OF EDUCATION (2 of 2)
PARENTS RIGHTS IN SPECIAL EDUCATION

As the parent/guardian/surrogate parent of a child who is receiving a formal evaluation and/or special education services, you have certain rights according to state and federal regulations. They are explained below in abbreviated form. If you have questions about special education services for your child or about these rights, please contact the State Department of Education, Special Education Section, 405/521-3351, or your local school/public agency.

RECORDS--You have the right to: (1) inspect and review your child's education records which shall be maintained confidentially at all stages; (2) ask for an explanation of any item in the records; (3) have a representative inspect and review the records; (4) request copies of records; the school /public agency may charge reasonable fees for copies but fees may not prevent the right to access; (5) be informed, on request, of locations of records being collected or used; (6) ask for an amendment of any record you feel is inaccurate, misleading, or violates privacy rights; (7) request a hearing if the school/public agency does not voluntarily amend records about which you have concern; (8) give or withhold consent to disclose your child's records; (9) be informed of persons that have accessed the records; (10) be informed before information in your child's file is to be destroyed.

CONSENT--Your consent must be given prior to an evaluation and before initial placement is made in special education. You may withhold or revoke consent at any time, understanding that in such cases the school/public agency has the right to request a hearing to determine if your child should be evaluated or placed in a special education program.

PROTECTION IN EVALUATION PROCEDURES--Testing and evaluation materials shall: be provided and administered in your child's native language or other mode of communication, unless it is clearly not feasible to do so; be validated for the specific purpose for which they are used; and be administered by trained personnel in conformance with the instructions provided by their producer. No single procedure will be used as the sole criterion for determining an appropriate educational program for your child and the evaluation will be made by a multidisciplinary team or group of persons, including one teacher or other specialist with knowledge in the area of suspected disability. Your child will be assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. You have the right to receive a description of each evaluation procedure, test, record, or report the school/public agency uses in this process. You have the right to have a reevaluation conducted for your child every three years or more often if warranted of if you or your child's teacher requests it.

INDEPENDENT EVALUATION--You have the right to: (1) be informed where an independent evaluation may be obtained; (2) be informed of the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained; (3) an independent evaluation at public expense if the school's/public agency's evaluation is determined to be inappropriate; (4) have the independent evaluation considered when placement and program decisions are made.

LEAST RESTRICTIVE ENVIRONMENT--You have the right to: (1) have your child educated with nonhandicapped children to the maximum extent appropriate; (2) have your child educated in the regular educational environment unless the nature or severity of your child's handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; (3) have a continuum of alternative placements available for consideration; (4) have placement in the school your child would attend if nonhandicapped unless the individualized education program requires some other arrangement; (5) have your child provided an equal opportunity to participate in nonacademic and extra-curricular services and activities; (6) have consideration be given to any potential harmful effect on your child or on the quality of services your child needs.

INDIVIDUALIZED EDUCATION PROGRAM (IEP): You have the right to know that the local school/public agency shall give you the opportunity to participate in IEP development and all IEP reviews for your child. (300.345)

HEARING--You have the right to: (1) request an impartial due process hearing to question the identification, evaluation or placement of your child, or to question the provision of a free appropriate public education; (2) have a hearing decision from a state appointed hearing officer; (3) be told of any free or low-cost legal and other relevant services available; (4) see a statement of the qualifications of the hearing officer; (5) be advised and accompanied at the hearing by counsel and/or individuals with special knowledge or training in problems of the handicapped; (6) have your child present; (7) have the hearing open or closed to the public; (8) present evidence and confront, cross-examine, and compel the attendance of witnesses; (9) prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; (10) have a written or electronic verbatim record of the hearing; (11) obtain written findings of fact and a written decision within 45 days after the State Department of Education receives the initial request for the hearing; (12) request an appeal of the hearing decision; (13) appeal in court a decision from the appeal hearing officer; (14) have your child remain in his or her present educational placement while the administrative proceedings are pending, unless you and the school/public agency agree otherwise; (15) request that certain fees incurred by you during these proceedings be paid by the school/public agency should you "prevail" in such proceedings, subject to the provisions of the Handicapped Children's Protection Act of 1986.

HOW TO REQUEST A DUE PROCESS HEARING--A request for a due process hearing must be in writing, addressed to the local school administrator, and include: your child's name, date of birth, current grade or class placement, and the reason for challenging the identification, evaluation, placement or appropriateness of the education for your child. A copy of this request must also be mailed to the State Department of Education, Special Education Section, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

STATE DEPARTM
John M. Folks, State Superi
RECORD OF PA

School Y

Name of Student _____ Birthd

Date of Contact	Purpose of Contact	How Conta Was Made/Attemp
1. ___/___/	_____	_____
2. ___/___/	_____	_____
3. ___/___/	_____	_____
4. ___/___/	_____	_____
5. ___/___/	_____	_____
6. ___/___/	_____	_____
7. ___/___/	_____	_____
8. ___/___/	_____	_____
9. ___/___/	_____	_____
10. ___/___/	_____	_____
11. ___/___/	_____	_____
12. ___/___/	_____	_____

REGULATIONS REQUIRE THAT ATTEMPTS TO CONTACT PARENTS FOR MEE meetings conducted without a parent in attendance, the agency must have procedure used to notify parents is left to the discretion of the agency and *Education in Oklahoma* regarding the required content of the notification to

SDE Form No. 7

ENT OF EDUCATION
ntendent of Public Instruction
RENT CONTACTS

ar _____

ate _____ School _____

t ted	Person Making Contact	Response/Results of Contact

TINGS BE DOCUMENTED in accordance with 34 CFR Section 300.345. For a record of its **attempts** to arrange a mutually agreed on time and place. The maybe oral, written, or both. See *Policies and Procedures Manual for Special* parents prior to meetings.

SDE Form 8

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Public Instruction
CATEGORICAL ELIGIBILITY STATEMENT

School Year _____

School District/Public Agency _____ County _____

Name of Student _____ Birthdate _____

School _____ Grade _____

The following team members determined the eligibility of the above named student for special education. It is our opinion that the student (is) (is not) eligible for special education programming for the

_____
(Handicapping Category)

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

Signature _____ Position _____ Date _____

I have been consulted and (agree) (disagree) with the categorical eligibility of my child for special education services

designed for the _____ exceptional child. An explanation of the nature and content of the special education services offered has been given to me. I have received a written statement of my rights concerning this placement.

Signature of Parent/Guardian/Surrogate Parent _____

Date _____

If this child is eligible for special education/related services, a continuum of alternative placements shall be available to meet his or her needs. This continuum includes: instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.

If this child is not eligible for special education programming, here are some recommendations for service in the regular classroom:

_____

_____

_____

_____

STATE DEPARTM
John M. Folks, State Superi
INDIVIDUALIZED E

Name _____ School _____

Address _____ Grade _____

Statement of Child's Present Levels of Educational Performance _____

_____

_____

_____

_____

Annual Goals: _____

_____

_____

_____

_____

Short Term Instructional Objectives (Measurable)	Specific & Rela

ENT OF EDUCATION
ntendent of Public Instruction
DUCATION PROGRAM

_____ Date _____

_ Birthdate _____ Age _____

Statement of Strengths: _____

_____

_____

Statement of Weaknesses: _____

_____

_____

Give reason for removal from the regular educational environment:

_____

_____

_____

Educational ted Services	Position/Person(s) Responsible	Amount of Time	Beginning Date	Ending Date	Evaluation Procedures	Objective Achieved

Short Term Instructional Objectives (Measurable)	Spec & R

ific Educational elated Services	Position/Person(s) Responsible	Amount of Time	Beginning Date	Ending Date	Evaluation Procedures	Objective Achieved

88

Short Term Instructional Objectives (Measurable)	Specific Educational & Related Services	Position/Person(s) Responsible	Amount of Time	Beginning Date	Ending Date	Evaluation Procedures	Objective Achieved
Physical Education Regular ☐ Not Applicable ☐ Explain:							
Adaptive ☐ Objective:							
Vocational-Technical Education Yes ☐ Objective:							
No ☐ Explain:							
Vocational Rehabilitation Yes ☐ Objective:							
No ☐ Explain:							
Amount of time in regular classroom(s) _____ Adaptations: No ☐ Yes ☐ Objective:							

Comments: _____

_____

_____

_____

_____

_____

Date of Next IEP meeting _____

Least Restrictive Environment:

All team members agree that this IEP represents the least restrictive environment for this student. Yes ☐ No ☐

If no, explain:

Participants in IEP Team Meeting

Parent(s) _____

Special Education Teacher _____

Regular classroom Teacher _____

Administrative Representative _____

Others: _____

Parents Present Yes ☐ No ☐

Participation in state mandated group testing requested by parents Yes ☐ No ☐

SDE Form 9

STATE OF OKLAHOMA
John M. Folks, State Superintendent of Instruction
Individualized Education Program

1. Name Address of Student

2. School Birthdate Age

3. Date (date of writing) Grade (grade or applicable placement)

4. Statement of the Child's Present Levels of Education Performance

The statement of present levels of educational performance will be different for each handicapped child. Thus, determinations about the content of the statement for an individual child are matters that are left to the discretion of participants in the individualized education program meetings. However, the following are some points which should be taken into account in writing this part of the individualized education program.

a. The statement should accurately describe the effect of the child's handicap on the child's performance in any area of education that is affected, including (1) academic areas (reading, math, communication, etc.), and (2) nonacademic areas (daily life activities, mobility, etc.)

NOTE: Labels such as "mentally retarded" or "deaf" may not be used as a substitute for the description of present levels of educational performance.

b. The statement should be written in objective measurable terms, to the extent possible. Data from the child's evaluation would be a good source of such information. Test scores that are pertinent to the child's diagnosis might be included, where appropriate. However, the scores should be (1) self-explanatory (i.e., they can be interpreted by all participants without the use of test manuals or other aids), or (2) an explanation should be included. Whatever test results used should reflect the impact of the handicap on the child's performance. Thus, raw scores would not usually be sufficient.

c. There should be a direct relationship between the present levels of education performance and the other components of the individualized education program. Thus, if the statement describes a problem with the child's reading level and points to a deficiency in a specific reading skill, this problem should be addressed under both (1) goals and objectives, and (2) specific special education and related services to be provided to the child.

5. Summary Statements of Strengths and Weaknesses

Information for these statements should be taken from teacher and parent observations, the psycho-educational evaluation and other pertinent sources. These statements should address a child's special learning skills and needs, i.e., verbal/language skills, motor skills, behavior, etc.

6. Statement Regarding Reason for Removal from the Regular Educational Environment

Describe unsatisfactory performance experienced in regular educational environment even with adaptation.

7. Annual Goals

The annual goals in the individualized education program are statements which describe what a handicapped child can reasonably be expected to accomplish within a twelve month period in the child's special education program. There should be a direct relationship between the annual goals and the present levels of educational performance.

8. Short Term Instructional Objectives (Measurable)

"Short term instructional objectives" (also called "individualized education program objectives") are measurable, intermediate steps between a handicapped child's present levels of educational performance and the annual goals that are established for the child. The objectives are developed based on a logical breakdown of the major components of the annual goals, and can serve as milestones for measuring progress toward meeting the goals.

In some respects, individualized education program objectives are similar to objectives used in daily classroom instructional plans. For example, both kinds of objectives are used (1) to describe what a given child is expected to accomplish in a particular area within some specified time period, and (2) to determine the extent to which the child is progressing toward those accomplishments.

In other respects, objectives in individualized education programs are different from those used in instructional plans, primarily in the amount of detail they provide. Individualized education program objectives provide general benchmarks for determining progress toward meeting the annual goals. These objectives should be projected to be accomplished over an extended period of time (e.g., an entire school quarter or semester). On the other hand, the objectives in classroom instructional plans deal with more specific outcomes that are to be accomplished on a daily, weekly, or monthly basis. Classroom instructional plans generally include details not required in an individualized education program, such as the specific methods, activities, and materials (e.g., use of flash cards) that will be used in accomplishing the objectives.

9. Specific Educational and Related Services

Specific educational services are programs, instruction and/or unique materials and equipment specially designed to meet the individual educational needs of the student. List the type of service delivery. For example: lab or resource room, self-contained classroom, itinerant teacher, home-based instruction, regular classroom with adapted material/equipment designed for the hearing, visually, orthopedically, or other impaired. If unique/adapted materials are not used, nothing need be listed. "Unique" materials are *not* texts or programs normally available in the regular classroom or lab.

Related services are developmental, corrective, and other supportive services which assist a handicapped child to benefit from special education. These are determined by the individualized education program team and may include transportation, speech/language therapy, psychological evaluations, counseling, and other services.

10. Position/Person(s) Responsible

Indicate position or person delivering the service. Parent and student should be included as appropriate.

11. Amount of Time

Estimate the time allocated to meet the specific objective, i.e., 30 minutes daily, one hour twice a week.

12. Beginning Date

Indicate the date service is to begin.

13. Ending Date

Indicate the projected date for meeting each objective.

14. Evaluation Procedures

List evaluation procedures to be used to determine if short term objectives have been met, i.e., standardized tests, teacher-made tests, observation(s), etc.

15. Objective Achieved

Indicate by writing yes or no if each objective has been achieved. This should be done at least annually.

16. Physical Education

Each handicapped child must be afforded the opportunity to participate in the regular physical education program available for nonhandicapped children. Adaptive physical education is required if needed (this must be addressed on the individualized education program with measurable objective). Check appropriate box. Explain if *not applicable* is checked, i.e., medical, requirements completed, etc.

17. Vocational-Technical Education and Vocational Rehabilitation

Every eligible handicapped student must be afforded the opportunity to participate in vocational skills training and rehabilitative services as deemed necessary by the individualized education program team. This decision is based on the student's vocational needs as would enhance his/her transition from school to independent living. The rehabilitation counselor and skills instructor must be involved in the determination of appropriate programming and services. This must be addressed on the individualized education program with measurable objectives.

18. Amount of Time in Regular Classroom(s)

The amount of time should be listed as appropriate for the situation: minutes, hours, periods, portion of the day, percentage of time of the school day, etc. Address specific adaptions that may be necessary to implement objectives in regular classrooms.

19. Comments

Include any relevant information about the meeting not noted elsewhere on the individualized education program.

20. Date to Review Individualized Education Program Meeting

Record the date of the next scheduled individualized education program meeting (must be at least annually).

21. Least Restrictive Environment

This documents team consideration of least restrictive environment.

22. Participants in Individualized Education Program Development

The team includes the child's parent, an administrator or his/her representative, the special teacher, a regular teacher and others as appropriate. The individualized education program must be developed in a meeting. Parents must be present and participate at each meeting or are afforded the opportunity to participate as outlined on page 32 of this manual.

23. State Mandated Group Testing

This documents parent's request and subsequent permission for this student to participate in the state mandated testing.

SDE Form 10

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Public Instruction
REVIEW OF PLACEMENT/IEP

Date of Review _____

Child's Name _____ Date of Birth _____

Address _____
Street or P. O. Box City Zip

Telephone _____ Parent _____

I. Present Program: (exceptionality areas, service delivery type, related services)

_____

_____

II. Assessment of Status: (progress in attainment of IEP objectives)

_____

_____

_____

(See attached achievement data and other evaluation information)

III. Recommendations:

_____ Return to regular classroom full-time

_____ Decrease amount of time in special education programming

_____ Continue same type of service delivery

_____ Increase amount of time in special education programming

_____ Explore other alternative (Describe)

_____

_____

Basis for making above recommendations(s) _____

_____

IV. Additional Comments: _____

_____

_____

Review of Placement/IEP Team

_____ Special Education Teacher

_____ Regular Classroom Teacher

_____ Administrator or Designee

_____ Parent(s)

_____ Others

SDE Form 11

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Public Instruction
CONFIDENTIALITY PROCEDURES

In _____(School)

_____(Name)

_____(Position)

will be responsible for all confidential records of handicapped students.

These records will be kept in _____(Place) and will be secured in a locked area. All confidential records will be kept in a separate folder and not in the child's regular school cumulative folder.

The following persons who are responsible for the handicapped student's education, the parent/guardians, and the student if he is over 18 years old, may have access to the records:

Special Education Teacher
Regular Teacher
Administrators and designated Administrative Personnel
Counselors, including Vocational Rehabilitation
State Department of Education Personnel
Vocational-Technical Education Personnel
Parents/Guardians
Student (if over 18 years old)
Related Service Providers
Paraprofessionals
Student Teachers
School Nurses
Social Workers

Anyone not on this list must have written parental permission to access the confidential records. Parents may request and receive copies of their child's records. This will be at a minimal cost.

In each student's folder of confidential records, a form will be kept showing a record of who saw the records, on what date, and the purpose.

All confidential records, except the information needed on transcripts, will be destroyed upon parental request or when their usefulness is over (but not sooner than five years). Parents will be notified 60 days before destruction and will be offered the opportunity to obtain the documents.

Parents have a right to protest or challenge the accuracy of all records. Documentation of action resulting from the protest should be kept in the student's file.

These confidentiality procedures will be posted around the school at strategic locations.

_____
Signature of Superintendent

SDE Form 12

STATE DEPARTMENT OF EDUCATION
John M. Folks, State Superintendent of Public Instruction
Release of Information

I hereby give _____
(Agency Name)

permission to release _____
(Child's Name and Date of Birth)

pertinent test information and/or medical results to _____

_____
(Agency Name)

_____
(Date)

_____
Parent or Legal Guardian Signature

SDE Form 13
(1 of 2)

STATE DEPARTMENT OF EDUCATION
John M. Folks State Superintendent

EYE REPORT
FOR CHILDREN WITH VISUAL PROBLEMS

Full legal name of child _____
Last First Middle

Birthdate _____ Sex _____ Home School _____ Grade _____

Legal Guardian _____ Address _____ Phone _____

Suggested Eligibility Standards: Corrected visual acuity of 20/70 or less, or visual field no greater than 20 degrees in the better eye, or a visual impairment which, even with the best correction, adversely affects performance in a regular class.

Vision Without Glasses----------	Distant	_____	Distant	_____
	Near	_____	Near	_____
Vision With Glasses ---------- (Visual Acuity)	Distant	_____	Distant	_____
	Near	_____	Near	_____

I. CAUSE OF BLINDNESS OR VISUAL IMPAIRMENT

A. Present ocular conditions responsible for vision impairment. (If more than one, specify all but underline the one which probably first caused severe vision impairment.)
O.D. _____
O.S. _____

B. Preceding ocular condition, if any which led to present condition, specified in A.
O.D. _____
O.S. _____

C. Etiology (underlying cause) of ocular condition primarily for vision impairment. (e.g., specific disease, injury, poisoning heredity or other prenatal influence.)
O.D. _____
O.S. _____

D. If etiology is injury or poisoning, indicate circumstances and kind of object or poison involved.

_____

E. Probable age at onset of vision impairment. Right Eye (O.D.) _____ Left Eye (O.S.) _____

F. Is there impaired color perception? _____ If so, for what color(s)? _____

G. Does this child have a peripheral field of less than 20 degrees? _____ Yes _____ No

Does this child have restricted field? _____ Yes _____ No Degrees _____

H. What is your prognosis of this child's condition? _____

I. Is the condition stationary in your opinion? _____

(2 of 2)

II. RESTRICTIONS:

Close eye work _____ Physical Activity _____

Lighting Considerations _____

Need for low vision aid _____

III. PREFERRED VISUAL ACUITY NOTATIONS

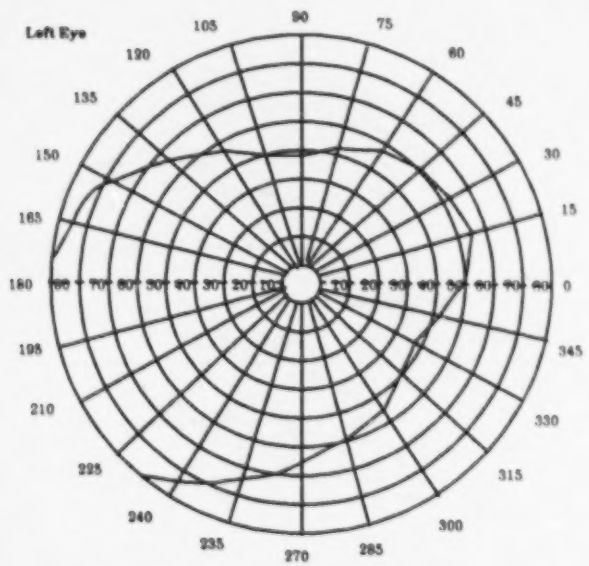
A. DISTANT VISION: Use Snellen notation with test distance of 20 feet. (Example: 20/100, 20/60). For acuities less than 20/200 record distance at which 200 foot letter can be recognized as numerator of fraction and 200 as denominator. (Example: 10/200, 3/200). If the 200 foot letter is not recognized at one foot record abbreviation for best distant vision as follows:

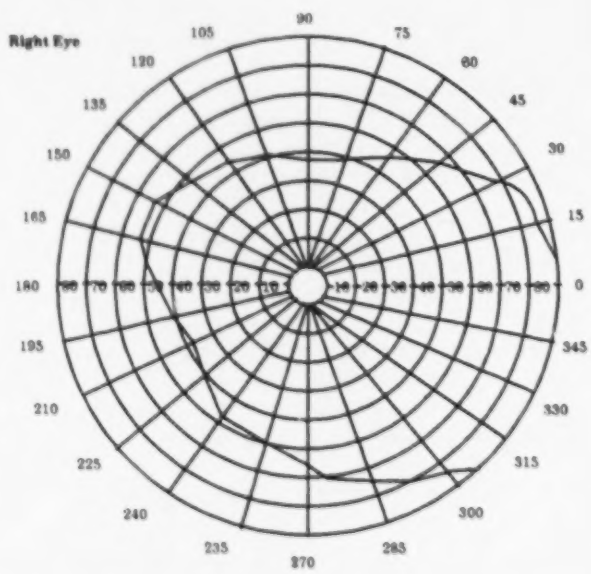
HM	HAND MOVEMENTS (Specify inches or feet)
PLL	PERCEIVES AND LOCALIZES LIGHT IN ONE OR MORE QUADRANTS
LP	PERCEIVES BUT DOES NOT LOCALIZE LIGHT
No LP	NO LIGHT PERCEPTION

B. NEAR VISION: Use standard A.M.A. notation and specify best distance at which pupil can read. (Example: 14/70 at 5 inches).

IV. FIELD OF VISION: Record results on chart below.

Type of test used: _____ Illumination in foot candles: _____





Test Object: Color(s) _____ Size(s) _____

Distance(s): _____

Test Object: Color(s) _____ Size(s) _____

Distance(s) _____

Other Comments: _____

_____

Examiner: _____

Address: _____

Date: 99

XV. SELECTED OKLAHOMA STATE LAWS

FOR

SPECIAL EDUCATION

1986 SCHOOL LAWS OF OKLAHOMA

ARTICLE XIII

SPECIAL EDUCATION FOR EXCEPTIONAL CHILDREN

Section 213. Programs for Special Education--Exceptional Children Defined. The several school districts of Oklahoma are hereby authorized to provide special services necessary for exceptional children as hereinafter defined. Two or more school districts may establish cooperative programs of special education for exceptional children when such arrangement is approved by the State Board of Education. The county superintendent of schools of any county may establish and maintain a special education program, with the approval of the State Board of Education, and county funds may be expended for such purpose. Any school district or districts located wholly or in part in a county may participate in any such program so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program. Funds may be expended for school services for an additional period not to exceed forty (40) days during the summer months for approved programs for qualified children, who are severely or profoundly multiple-handicapped, provided their individualized education program (IEP) states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Exceptional children shall mean educable mentally handicapped children, trainable mentally retarded children, speech-defective children, emotionally disturbed or perceptually handicapped children, children with special health problems, children requiring the services of a visiting counselor, children with specific learning disabilities as a result of neurological impairment, multiple-handicapped children and other handicapped children of four years of age as of the first day of September of the school year; provided that there shall be no set minimum age for children who are blind and partially blind children, deaf and hard-of-hearing children and low incidence severely multiple-handicapped children, i.e., deaf-blind, retarded-cerebral palsied, autistic and other children failing to thrive from birth; further provided conditions are such that it is impractical or impossible for them to benefit from or participate in the regular classroom program of the public schools in the district in which they reside and whose education requires a modification of the classroom program. Provided, that the attendance of said children in special education classes shall be included in the average daily attendance computations for State Aid purposes.

It shall be the duty of each school district to provide special education for all exceptional children as herein defined who reside in that school district. This duty may be satisfied by:

1. The district directly providing special education for such children;

2. The district joining in a cooperative program with another district or districts to provide special education for such children;

3. The district joining in a cooperative program with a private or public institution within such district to provide special education for children who are deaf or hard-of-hearing, or for children who are blind or partially blind; or

4. Transferring certified exceptional children to other school districts which accept them and provide special education for such children, with the district in which the child resides paying tuition therefore as hereinafter provided. **(70-13-101)**

See Section 228 herein as to Special Education programs for partially sighted children.

School district has obligation to provide special education for exceptional and handicapped children, which may be fulfilled by any of several authorized methods, including transfers to other districts, September 29, 1972.

Local School Districts and not State Department of Education have primary responsibility for providing special education programs. May 27, 1977. AG Op. No. 77-169.

No minimum age requirement for participation in special education program for children classified as "other children failing to thrive from birth." May 27, 1977. AG Op. No. 77-169.

Parents of child under age of 3 years who has been identified as eligible for receiving instruction and services pursuant to Individualized Education Program have right to a "Due Process Hearing" for any of the reasons any other handicapped child may request a hearing. February 24, 1982. AG Op. No. 82-61.

Section 214. Eligible Minimum Period of Attendance. The determination whether a child is eligible for special education shall be made by the board of education of the school district in which such child resides, under rules and regulations approved by the State Board of Education; provided; however, that the eligibility of exceptional children shall be reevaluated at least once every three (3) years. Any child determined to be eligible shall be permitted to receive such special education for a minimum period of twelve (12) years.

In those instances involving the proposed transfer of exceptional children from one district to another, the State Board of Education is authorized to promulgate rules and regulations for the reimbursement to the local board of education for payment of charges for the services of psychologists and physicians as necessary for ascertaining eligibility of pupils for special education and, as to those accepted for special education instruction, for reimbursement to the local board of education for expenditures made for any subsequent reevaluation deemed desirable by the board of education of the district providing special education instruction of the pupil. (70-13-102)

A child is entitled to continue special education at junior high school and high school level if he is capable. September 29, 1972.

Home district must bear cost of determining eligibility for special education. September 29, 1972.

Not mandatory to provide classes for trainable mentally retarded children until they reach 21 years of age, but only that classes be provided for a minimum of 12 years. January 9, 1976.

Section 215. Authorized Provisions for Education of Exceptional Children. Any school district in the state may provide suitable facilities and employ qualified teachers and therapists for exceptional children, either in schools, classrooms, or in such other places as the board of education of the district may deem advisable. When school district does not provide special education facilities and qualified teachers, said children may be transferred to another school district, with the consent of the board of education thereof, where suitable facilities and teachers are provided. Transfers authorized by this section shall be made under such rules and regulations as the State Board of Education may prescribe to a result that the sending district sustain an equitable proportion of the operating costs of the program of the district to which the pupil is transferred. When an exceptional

child or pregnant child is unable to attend any school or class in the district of which he is a resident, the board of education of said district, with the approval of the State Board of Education, may provide for home instruction for such child. The State Board of Education is further authorized to cooperate with any school district of the state to make it possible for any exceptional child to attend the regular school by making special provisions for the transportation of such child, or for special equipment, devices, books, supplies or other facilities, or for special instruction within the regular school building. (70-13-103)

> School District has an obligation to provide special education for exceptional handicapped children which may be fulfilled by any of several authorized methods, including transfers to other districts. September 29, 1972.
>
> Sending district must reimburse receiving district for transferred student's share of receiving district's cost in conducting special education. September 29, 1972.
>
> Provisions of this Section as to transfers of exceptional children superseded general school transfer statutes. January 13, 1984. AG Op. No. 83-79.

Section 216. Special Classes of Individual Instruction for Children in Institutions. Special classes or individual instruction provided for pretubercular, tubercular, convalescent or other physically handicapped children in hospitals, sanatoriums and preventoriums may be maintained by a school district in such institutions within or without the boundaries of such district, and the attendance of pupils therein shall be credited to the district providing such instruction. (70-13-104)

Section 217. Qualifications of Teachers and Minimum Requirements. The State Board of Education is hereby authorized to determine and prescribe the qualifications of all persons who teach exceptional children, to define, classify and determine standards of eligibility of all exceptional children to receive special education, to fix minimum requirements for special education of exceptional children, and to make such rules and regulations as it deems necessary for the teaching of exceptional children. (70-13-105)

Section 218. State Appropriations--Distribution. State monies appropriated to carry out the provisions of laws dealing with the education of exceptional children shall be apportioned by the State Board of Education among the various school districts of the state providing such educational facilities for exceptional children in accordance with the standards and rules and regulations prescribed by the State Board of Education. State funds for the education of such exceptional children shall be distributed on a teaching unit basis in accordance with rules and regulations to be adopted for such purpose by the State Board of Education. The State Board of Education shall determine the size of classes and other requirements for all such teaching units. (70-13-106) **(Amended by H.B. 1072 of the 1977 Legislature)**

Section 219. Federal Funds. The State Board of Education is hereby empowered to accept and disburse any grants or funds that may be matched by or received from the federal government for the education of exceptional children and to make necessary rules and regulations for such purpose. (70-13-107)

Section 220. State Funds--Allowances for Special Education.

A. The State Board of Education is hereby authorized to establish all necessary rules and regulations and set the rate of reimbursement for physical and occupational therapists, teachers of homebound children or home-to-school telephone instruction, board and room for transferred

handicapped children to attend a special class, travel for transporting handicapped and exceptional children within or without the district, and travel for teachers who are required to travel in fulfilling the services for handicapped children in homebound, cooperative, or country programs for exceptional children.

B. The State Board of Education may make provisions for boarding exceptional children who must be transferred from their home school districts to school districts providing special education, but in no case shall the reimbursement from other state funds for this purpose exceed Four Hundred Fifty Dollars ($#450.00) per child per year.

C. The State Board of Education may make provisions and payments therefor from other state funds for the special education of any deaf and blind child, resident of the state, in any private or public institution, either inside or outside the State of Oklahoma, but in no case shall payment from state funds for such special education, including board and room for such child, exceed Five Thousand Dollars ($5,000.00) per child per year.

D. None of the funds received by a school district under the provisions of this section shall be construed as a part of the chargeable income of such district for State Aid purposes.

> Handicapped children other than deaf and blind students may be placed outside of the State if necessary to comply with Federal Education For All Handicapped Children's Act. March 18, 1983. AG Op. No. 83-5.

Section 221. Personnel to Administer Article. The State Board of Education shall appoint and employ and fix the compensation and duties of necessary personnel and incur other necessary expenses, including cost of consultants, to administer and carry out the provisions of this article, and such compensation and other expenses shall be paid from any funds appropriated to carry out the provisions of this article. (70-13-109)

Section 222. Teachers--Pay. Qualified and properly certified teachers of special education shall be paid a minimum of five percent (5%) above the prevailing wage paid teachers of normal children in the same school district. (70-13-110)

Section 223. Register to be Maintained--Needs to be Met. The State Board of Education shall have power and it shall be its duty.:

1. To maintain a register of educable mentally-handicapped children, trainable mentally-retarded children, speech-defective children, emotionally-disturbed children, perceptually-handicapped children and other handicapped children and to use all means and measures necessary to meet the physical needs of all educable and trainable such children, as provided by law; and

2. To stimulate all private and public efforts to relieve, care for, cure, educate or train handicapped children, and to coordinate such efforts with the work and function of governmental agencies. (70-13-111)

B. 1. The Department of Mental Health, the State Department of Health, the Department of Human Services, the State Department of Education, and the State Department of Vocational and Technical Education shall jointly develop and implement through interagency memoranda of agreement as authorized in the Interlocal Cooperation Act a plan for the coordinated delivery of related services to exceptional children with nominal cost to the school district. The development of the plan for the delivery of related services shall be coordinated by the State Department of Education, which shall evaluate and review the implementation of the plan and include its findings in an annual report to the Legislature.

2. Implementation of said plan shall begin with the 1983-84 school year, and shall utilize the resources available to each of the agencies specified in this subsection as appropriate to each agency for the delivery of related services.

3. As used in this subsection, "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist an exceptional child, as defined in Section 13-101 of this title, to benefit from special education, and includes but is not limited to speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of exceptional children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes health services, social work services, and parent counseling and training services available to the citizens of this state. (70-13-111)

OTHER SECTIONS OF THE LAW RELATING TO HANDICAPPED CHILDREN

ARTICLE V
SCHOOL DISTRICTS AND BOARDS OF EDUCATION

Section 84. Students of Legal Age--Completion of Twelfth Grade. Any person who is of legal age and a resident of Oklahoma over the age of twenty-one (21) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of twenty-one (21), upon submitting to the board of education of the school district in which said person resides evidence satisfactory to that board showing that during the time before he was twenty-one (21) years of age he was unable to attend school for a definite period or period of time because of *physical disability*, or service in the United States Armed Forces or Auxiliary Organizations, by reason whereof it was impossible for him to complete the twelfth grade before reaching the age of twenty-one (21). Provided, further, said pupil shall be counted in the average daily attendance of the district where he attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district. (70-5-132)

> Attendance of person before he is 26 years old can be counted in daily attendance only for same number of school days he missed school because of *physical disability* or military service. August 3, 1962.

ARTICLE VIII
TRANSFER OF PUPILS

Section 161. Grounds for Transfer.

A. The county superintendent of schools shall grant an application for transfer of a child from the district in which he resides to another school district furnishing instruction in the grade he is entitled to pursue if such transfer has the approval of the boards of education of the sending and receiving districts. A student granted a transfer during the 1972-73 school year, or any school year thereafter, may continue to attend the school to which he transferred with approval of the receiving district only, and any brother or sister of such student may attend such school with approval of the receiving district only, provided that this provision shall not apply to emergency transfers or pupils transferred for the purpose of attending classes in *special education* or a graduating senior in counties having a population of four hundred fifty thousand (450,000) or above, previously legally enrolled in the school district to which he wishes to transfer, or to students with *catastrophic medical problems*. Provided; however, if the grade such child is entitled to pursue is not offered in the district where such child resides, the transfer must be approved. Provided, a child may be transferred by the State Board of Education to a school district in another state, if the board of education of the school district in which the child resides and the board of education of the high school district in whose transportation are the child resides determines that the best interests of the child will be best served by such transfer. No transfer shall be granted for any reason not hereinbefore specified. no child shall be transferred under the provisions of this article to a school district other than the one designated in the application for his transfer.

B. When a child. . . (70-8-102)

> Long continued acquiescence in pupil transfers can preclude District from denying legality of transfers. 553 P.2.d 150.

District not required to approve student's transfer merely because transfer of student's brother was approved. 554 P.2d 12.

District's refusal to approve pupil's application for transfer to out-of-state school district solely on policy of denying any out-of-state transfer is contrary to law. 380 P.2d 943.

"Best interest of child" is not proper ground for transfer. 531 P.2d 335.

Fact district does not offer classes in music and band does not authorize transfer on ground district does not offer grade child is entitled to pursue. 513 P.2.d 287.

District Court cannot approve transfer on nonstatutory ground. 531 P.2d 335.

ARTICLE XVIII
STATE AID

Section 308. Definitions.

A. As used in Sections 18-109.3 and 18-109.4 of this act:

1. "Vision impaired" means a visual impairment which, even with correction, adversely affects a child's educational performance;

2. "Children with learning disabilities" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, written or spoken, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

3. "Hearing impaired" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance;

4. "Economically disadvantaged" means all children who qualify for free or reduced lunches. Provided, for the school year 1981-82, economically disadvantaged shall mean children who qualify and participate in a program for free or reduced lunches;

5. "Educable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

6. "Emotionally disturbed" means emotional problems preventing adjustment in regular class including:

a. an inability to learn which cannot be explained by intellectual, sensory or health factors,

b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers,

c. inappropriate types of behavior or feelings under normal circumstances,

d. a general pervasive mood of unhappiness or depression, or

e. a tendency to develop physical symptoms or fears associated with personal or school problems;

The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed;

7. "Gifted" means identified students as outlined in Section 1210.301 of Title 70 of the Oklahoma Statutes;

8. "Multiple handicapped" means concomitant impairments, such as mentally retarded/blind, mentally retarded/orthopedically impaired, and other combinations, the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blind children;

9. "Physically handicapped" means a severe orthopedic impairment or an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly, and impairments from other causes;

10. "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, language impairment, or voice impairment, which adversely affects a child's educational performance;

11. "Trainable mentally handicapped" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance;

12. "Deaf/Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children;

13. "Bilingual" means those students who have limited English speaking abilities or who come from homes where English is not the dominant language as reported on the prior year application for accrediting; and

14. "Special Education Summer Program" means those summer school programs which school districts may provide for children who are severely or profoundly multiple-handicapped if their individualized education program states the need for a continuing educational experience to prevent loss of educational achievement or basic life skills. Any school district receiving funds for such special education summer programs shall provide services as provided in Section 13-101 of this title. Provided, during the 1982-83 school year the State Department of Education shall obtain data related to the number of children who would qualify for summer school special education programs and the number of children who are being served in summer school special education programs.

B. The State Board of Education is hereby authorized to modify and redefine by regulation the definitions set out in this section whenever such modification is required to receive federal assistance therefor. (70-189-109.5)

Section 309. Adjustments and Limitations.

A. If any district, or part of a district, becomes a part of another district by consolidation, annexation, or otherwise, the following procedure shall be followed in calculating aid to the new district or districts so formed:

1. If the annexation or consolidation occurs after budgets have been approved by the county excise board and the tax levies approved, the State Aid for the current year shall be calculated for each district as it existed prior to the annexation and prorated to the annexing district or districts on the basis of average daily attendance.

2. If the annexation occurs prior to approval of the school district budgets by the county excise board, the annexed district shall be merged with the annexing district or districts and State Aid shall be calculated according to the formula provided by this act.

B. A full term of school under the provisions of this article shall consist of ten (10) school months in which school has been in session not less than one hundred eighty (180) days; provided, however, that five (5) days may be used for attendance at professional meetings. Beginning with the 1982-83 school year, any school district that does not maintain school for a full term shall have its State Aid reduced proportionately unless it has received written approval to maintain school for less than a full term from the State Board of Education. the State Board of Education shall not approve any request to maintain school for less than a full term unless such request meets the requirements of Section 1-109 of this title.

C. If a school district operates a school located in a state institution for pupils of school age, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district.

If a school district operates a school located in a state institution for the pupils of school age incarcerated in such institution, the attendance of such children shall be included in the attendance of such school district for the purpose of calculating State Aid of the district. Provided, such attendance shall not be used for apportioning other miscellaneous revenue; and such school district State Aid shall be paid in the amount of the Foundation Program Aid and Incentive Aid of such school as provided in this article.

D. 1. If a public school district in this state furnishes educational services to a child who resides in a public or private or public residential child care or treatment facility, the receiving school district shall receive from the district in which the child has residence a fee in the amount of the per capita cost of the receiving district for current expenditures for the education of such resident. The amount of the expenditures shall be determined based upon the cost of teachers, equipment, material, and other direct educational costs associated with the education of such child prorated by the number of days the child has been enrolled in the receiving district. The average daily attendance (ADA) of such child shall be credited to the district of residence as defined in paragraph 6 of the subsection A of Section 1-113 of this title.

2. The school district in which the child has residence shall appropriate and pay the fee provided for in paragraph 1 of this subsection to the district which receives and educates such child. If a school district fails, neglects or refuses to appropriate and pay such fee, the school district entitled to receive such fee shall certify such fact to the Finance Division of the State Department of Education. Upon receipt of such certification, the Finance Division shall deduct the amount of the fee from any State Foundation Program or Incentive Aid otherwise due the sending district and transmit such amount to the receiving district.

E. Upon determination by the county superintendent that a legal residence for a child placed in a public or private residential child care or treatment facility does not exist, the district in which the facility is located shall be the district of residence and the average daily attendance of such child shall be credited to such district.

In addition, the Legislature shall appropriate funds to the State Board of Education to reimburse the district for the expenditures of such child. The educational costs shall be determined based upon the cost of teachers, equipment, material, and other direct educational costs associated with the education of such child prorated by the number of days the child has been enrolled in the district.

The district shall file a claim with the State Board of Education for reimbursement of the educational costs. Such reimbursement from the State Board of Education shall not exceed the district average per capita expenditure for the preceding school year less the amount of state dedicated and appropriated funds generated by the average daily attendance of such child.

The State Board of Education is hereby authorized to establish all necessary rules and regulations and apportion such funds in order to carry out the provisions of this act. If funds appropriated are not sufficient to meet the requirements of this provision, the amount per claim shall be reduced proportionately.

F. If any school district shall fail, neglect or refuse, for any reason whatsoever, to provide special education for a handicapped exceptional child, certified as such by competent authorities and residing in such district, as directed in Section 13-101 of this title, the following is hereby authorized:

1. Such child shall be entitled, upon petition by the child's parent or guardian, without consent, or approval of the school district not providing special education, to transfer to any adjacent or nearby school district which will accept the handicapped exceptional child and provide the special education which such child is entitled to receive. The school district in which a child transferring under this section resides shall pay to the district receiving and educating such child, as tuition, a special education transfer fee as provided in paragraph 2 of this subsection. Provided the average daily attendance of such child shall be credited to the home district of such transferee.

2. The special education transfer fee shall be the per capita cost of the receiving district for current expenditures for the special education of such handicapped exceptional child based upon the cost of teachers, equipment, material, and special costs associated with the special education class.

3. It shall be the duty of the school district from which such handicapped exceptional child transfers to appropriate and pay such special education transfer fee to the district which receives and educates such child. If a school district owing such special education transfer fees shall fail, neglect or refuse for any reason whatsoever to appropriate and pay such special education transfer fees, then the school district entitled to receive such fees shall certify such fact to the Finance Division of the State Department of Education. Upon receipt of such certification, the Finance Division shall deduct the amount of the special education fee from any State Foundation Program or Incentive Aid otherwise due the sending district and transmit such amount to the receiving district.

4. The sending school district shall also be obligated to pay the special education transfer fee whenever it has transferred a student to another school district for purposes other than to acquire special education, but where the student is subsequently found to require such special education, is determined to be eligible by the Special Education Division of the State Department of Education, and is placed in an appropriate special education program by the receiving school district. For purposes of this paragraph, the special education transfer fee shall be as provided by paragraph 2 of this subsection, prorated by the receiving school district according to the number of days the student has been enrolled in the special education program. (70-18-110)

District may maintain school for less than a full term if conditions exist which make maintenance impossible, but district's State Aid must still be reduced if it does not meet requirements of a full school term. November 26, 1980. AG Op. No. 80-243.

ARTICLE XII
MISCELLANEOUS

Section 705. Deaf Children--Special Education.

A. It shall be the right of every child who is deaf or so hard-of-hearing that he cannot participate in the regular public school program to receive an appropriate education at the expense of the State of Oklahoma. It shall be the duty of every school district to seek out and identify every such child between the ages of two (2) and twenty-one (21) at the earliest possible age under procedure to be prescribed by regulations of the State Department of Education. It shall be the duty of every parent or other person having custody of such child to cause such child to be enrolled in and attend a school which provides special education for such deaf children.

B. The State Department of Education may establish educational programs for preschool deaf and hard-of-hearing children by regional education service centers. Such programs shall serve preschool deaf and hard-of-hearing children from the age the hearing impairment is detected by a licensed physician or audiologist. Such programs shall also include a course of instruction for the parents of deaf and hard-of-hearing children. (70-1210.171)

THE STATE BOARD OF EDUCATION
REGULATIONS FOR ADMINISTRATION AND
HANDBOOK ON BUDGETING AND BUSINESS MANAGEMENT

Bulletin No. 145-W
1986-87

Regular Special Education Transfer:

In order that a child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101 may be transferred, a written application for such transfer, designating the district to which the transfer is desired, shall be made by either of his parents, or by his guardian, and such application shall be filed with the county superintendent of schools for transfers to school districts in the State of Oklahoma and with the State Board of Education for transfers to school districts in another state not later than May 15, preceding the school for which the transfer is desired. The county superintendent of schools shall notify, no later than May 25, the clerk of the board of education of the district from which the transfer is proposed to be made and the clerk of the board of education of the district to which the transfer is proposed to be made. The notices of the application for transfer shall so state that the board of education, from which the transfer shall so state that the board of education, from which the transfer is proposed, shall submit information as required by State Board of Education Policies and Procedures Manual for Special Education in Oklahoma for the delivery of Special Education Services for each identified handicapped child and that on or before June 5, the board of education of either district affected by the proposed transfer shall have an opportunity to show cause, if any, why the transfer should or should not be granted. This information will include (1) a current individual evaluation, (2) a categorical eligibility statement and (3) a current Individualized Education Program (IEP). The county superintendent of schools shall, not later than June 15, notify, in writing, the clerk of each board of education affected as to whether or not the transfer has been granted. Provided that at any time before June 20, the board of education of either district or the parent or guardian of the child may appeal, in writing, from the action of the county superintendent of schools to the district court of the county in which the child resides, and such appeal shall be heard, and a decision rendered thereon not later than June 30, and such decision shall be final.

Emergency Special Education Transfer:

A written application for an emergency special education transfer for a child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101, designating the district to which the transfer is desired shall be made by either the parent or guardian, and on an adequate showing of emergency based on information as required by State Board of Education Policies and Procedures Manual for Special Education in Oklahoma for the delivery of Special Education Services for each identified handicapped child. This information will include (1) a current individual evaluation, (2) a categorical eligibility statement and (3) a current Individualized Education Program (IEP) and shall be submitted to the county superintendent who may make and order a transfer, subject to approval by the State Board of Education.

Cancellation of Regular or Emergency Special Education Transfers:

A transfer made may be cancelled with the concurrence of the board of the receiving district, and a retransfer granted. Also, on affidavit of parent or guardian, or of the school board of the transferring district, disclosing removal of residence from the transferring district, a transfer previously made may be cancelled. Cancellation of special education transfers are subject to the rules and regulations of the State Board of Education and the procedural due process requirements outlined at 20 U.S.C. 1415, of the Education For Handicapped Children's Act.

Residence of Child--Attendance in Transportation Area;

Any child, identified pursuant to the provisions of Title 70 O.S. 1981 § 13-101, residing in a school district in the State of Oklahoma that does not offer the grade such child is entitled to pursue shall be entitled to attend the school of the school district in the transportation area in which such pupil resides that offers the grade he is entitled to pursue.

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